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ABSTRACT

This kit offers a program designed to help individuals and organizations create effective anti-harassment training programs for schoolteachers and administrators. It can be used by groups wanting to work on harassment problems faced by lesbian, gay, bisexual, and transgendered (LGBT) youth in school. The training includes three parts: an interactive presentation by a student or students, a presentation by an attorney, and a series of exercises led by a local teachers. The fourth key player is the organizer, who finds presenters, deals with the school, and makes the training happen. These materials are divided into four parts: the organizing manual, which explains how to get into schools, create the workshop, and tailor the workshop; the tools, which provide the organizer with tools for every step of the way in putting the program in place (e.g., sample letter, survey, and checklist, questions to guide the presentation, and legal overview for attorneys); the lesson plan, which offers a proposed agenda for the training workshop and a detailed outline with suggested presentations for each segment; and the handouts, which offer supplementary materials for copying and passing out. (SM)

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MAKING SCHOOLS SAFE

An Anti-Harassment Training Program from the Lesbian & Gay Rights Project of the American Civil Liberties Union

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An Anti-Harassment Training Program from the Lesbian & Gay Rights Project of the American Civil Liberties Union

Making Schools Safe is based on a program developed by Nancy Otto for the Howard A. Friedman First Amendment Project of the American Civil Liberties Union of Northern California. The first version of this program was assembled and written for the ACLU by Jennifer Middleton. Joshua Freker revised it.

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The American Civil Liberties Union is a nationwide, nonpartisan organization of 300,000 members dedicated to preserving and defending the principles set forth in the Bill of Rights.

Founded in 1986, the Lesbian & Gay Rights Project of the ACLU works for fair and equal treatment of lesbians, gay men, bisexuals and transgendered people.

To obtain a copy of this book, email safeschools@aclu.org or call 212.549.2627.

Making Schools Safe
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Making Schools Safe is one part of the ACLU Lesbian & Gay Rights Project's Every Student, Every School initiative. Every Student, Every School equips schools, parents, students, and their communities with the legal information they need to make schools safer for LGBT students. This information can be used to make change through a variety of channels – including this training program, addressing particular instances of student harassment, or working to add sexual orientation and gender identity to school non-harassment and anti-discrimination policies. For more information about other ways to make change in your school, visit www.aclu.org/safeschools or email safeschools@aclu.org.

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INTRODUCTION: MAKING SCHOOLS SAFE

Making Schools Safe is a program designed to help individuals and organizations create effective anti-harassment training programs for schoolteachers and administrators. The program can be implemented as a new and complete program, portions of it can be used as stand-alone workshops, or parts of it can be integrated into an existing safe schools program. While Making Schools Safe was originally designed for affiliates of the ACLU, it can be used by just about anyone who wants to work on the harassment problems faced by lesbian, gay, bisexual and transgendered (LGBT) youth in school.

A Making Schools Safe training has three parts: an interactive presentation by a student or students, a presentation by an attorney, and a series of exercises led by a local teacher. The fourth key player in the Making Schools Safe training is the organizer, who finds the presenters, deals with the school, and makes the training happen.

These materials are divided into four parts.

1. The Manual. The organizing manual explains exactly what these trainings do, how they work, how to get schools to agree to sponsor them, how to get the presenters and materials you'll need, and how to tailor workshops for particular schools.

2. The Tools. This section provides the organizer with the tools he or she needs every step of the way to put the program into place. It includes a sample letter to send a school to get the program started and materials to help the organizer and the presenters prepare for the workshop.

3. The Lesson Plan. This section has a proposed agenda for the training workshop and a detailed outline with suggested presentations for each segment.

4. The Handouts. This section contains supplementary materials that can be copied and passed out during the actual training. These can be useful materials for teachers and school administrators with or without a complete training.

Each of the four parts has its own Table of Contents. In these Tables of Contents every item or segment is labeled to show which presenter it was intended for. The point is to make it easier to access the relevant materials if, after reading the manual, you decide you want to use just a part of Making Schools Safe.

We know that as you develop your own program, you'll come up with new ideas and innovative approaches. We would very much like to know about new things you try, so that we can improve our work and share this information with other individuals and organizations. Please stay in touch.

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ORGANIZING MANUAL FOR "MAKING SCHOOLS SAFE" PROJECT

The Case for the "Making Schools Safe" Program

The "Making Schools Safe" program is a model training workshop designed for affiliates of the American Civil Liberties Union (ACLU), other organizations, and individuals interested in working with educators to combat anti-gay harassment in schools. The program is a resource that local groups can offer to school districts to help them stem harassment early – before they wind up facing litigation.

The workshop these materials support should be mandatory for all teachers and administrators. It will help them figure out how to create a safe learning environment for lesbian and gay students. The workshop is not about sex, it is not about morality, and it is not "Gay 101." Instead, it is about safety, equal access, and equal protection. It is about making sure that every student feels that he or she can achieve his or her best in an environment free of hostility. And it is about taking steps to prevent anti-gay attitudes from turning into harassment and escalating into violence.

The materials can be broken out into sections to allow you to tailor the workshops, focus on specific parts, or delegate responsibility for some sections to other groups. They contain step-by-step guidance on pulling the program together, including sample agendas, pointers on locating the right people to participate, letters, talking points, and all the additional materials needed to conduct a successful workshop. The ACLU can offer assistance to make the program a success – whether it's finding a lawyer presenter, getting in touch with other local organizations, helping with the initial proposal to school administrators to conduct the workshop, or researching state and local law.

The Need

For lesbian and gay teens, school is often a nightmare. Harassment from classmates is commonplace, particularly because many teachers and principals tolerate it. A study of Massachusetts high school students published in the journal *Pediatrics* reported that more than 25% of self-identified gay teens said they had recently missed school because of fear for their safety, a sharp contrast to the 5% of heterosexual teens who had. Nearly one-third of gay teens had recently been threatened with a weapon at school, compared to 7% of heterosexual students.

Peer support is difficult to find because gay-supportive student groups (sometimes called gay-straight alliances or GSAs) are often discouraged or even prohibited. Survival often means painful self-denial for lesbian and gay youth. It is little wonder, therefore, that a 2001 report from the National Longitudinal Study of Adolescent Health found that gay teens are twice as likely as their heterosexual peers to attempt suicide.

Indeed, schools rarely offer supportive programs for gay youth. Comprehensive information on sexuality, AIDS/HIV, and other lesbian and gay teen concerns is desperately needed, yet schools choose instead to tolerate, if not actively foster, environments hostile to the development of healthy gay youth. For instance, in one study, 53% of high school students reported hearing homophobic slurs such as "faggot" from their teachers.

Every year hundreds of parents and students contact the ACLU to tell painful stories of harassment and abuse. Many of these people report that school administrators do nothing to stop it or, instead, respond to complaints by punishing one student rather than addressing the systemic problem of anti-gay harassment throughout the school. The Making Schools Safe program offers school administrators the tools they need to take creative, system-wide steps toward change.

Schools must be places where it is safe, both physically and psychologically, for any young person to be himself or herself. A positive, supportive learning environment will make it easier for lesbian and gay kids to cope, and will have a profound influence on the attitudes of their heterosexual peers.

The Opportunity

Many school district administrators do not realize that they can face liability in court if they fail to end anti-gay harassment in their schools. But recent lawsuits from all over the country are making it clear: school environments must be safe for all students, gay and straight alike, or administrators and teachers may be liable. Districts are beginning to sit up and take notice that a failure to take action to stop anti-gay abuse can lead to protracted litigation, bad publicity, and expensive judgments in favor of the students who suffered.

Day-to-day changes in school practices nationwide will help schools avoid these lawsuits claiming they did nothing to stop harassment. Many school districts have already taken the important step of adding sexual orientation to their anti-harassment and nondiscrimination policies. But in other schools, there is still significant resistance. And even where a policy is in place, enforcement is crucial. Some administrators may not recognize the daily harassment that goes on in their schools. Some may think it's harmless. Some may simply think there is nothing they can do to stop it.

The challenge is to help school administrators and teachers understand that the problem is real, that they have a legal responsibility to address it, and that there are effective and simple ways for them to do that.

The Goals

The program's goals are:

1. To alert school districts that they have a duty – backed up by legal liability – to change a school culture that ignores or promotes harassment and discrimination based on sexual orientation.

2. To provide those districts with the skills and resources they need to promote an environment that does not tolerate harassment and discrimination.

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Why This Program

Any individual or organization can implement the workshop or use the materials and can get assistance from a local ACLU office.

The ACLU, through our nationwide network of affiliates, is particularly ready to take on the challenge of anti-gay harassment in schools. For one thing, the ACLU is a nationwide organization and has the capacity to watch over school officials all across the nation – and to follow with a lawsuit if we find persistent and egregious institutionalized anti-gay bias. Second, most school officials are familiar with the ACLU because we have long been a presence in schools where civil liberties are at issue. While the ACLU can be a formidable and tenacious foe when things end up in court, the goal of the "Making Schools Safe" project is to fix the problem before it gets to that point.

What's more, local allies interested in promoting school safety for lesbian and gay youth can benefit from the expertise of ACLU affiliates that are already doing this work. Over the past few years, ACLU offices in Montana, Georgia, Missouri, New York, California, Kentucky, and Nebraska have used all or parts of the Making Schools Safe program to educate schools in their states. Making Schools Safe represents the accumulated experience of these efforts.

Finally, this program is not just a packet of materials; it's also a promise of assistance. The ACLU Lesbian & Gay Rights Project is committed to working closely with you to help implement it, with resources and staff time.

The Workshops

The core element of the Making Schools Safe program is a model workshop for teachers and administrators. It is specially designed to respond to the concerns of students, parents, and teachers who have struggled with anti-gay harassment and even violence at their schools. Many teachers have requested guidance on how best to deal with homophobia in their schools and what kind of legal support they can expect if they do so.

The workshop ideally runs for two and a half hours and has three primary components. One is an interactive panel presentation by one or two students who are gay, lesbian, or bisexual (preferably students who have recently graduated from that school), discussing their experiences. The second is a legal presentation by an attorney about the duties of educators to promote a safe environment and to end anti-gay harassment. The third is a series of exercises led by a local teacher designed to assist teachers in dealing with anti-gay attitudes in the schools, including video clips and role-playing scenarios interspersed throughout the other segments. Ultimately, it provides practical suggestions about how to address name-calling in the classrooms and hallways and how to build support for a school-wide approach making the environment safe for all students.

Organizing the workshop requires that a staff person or volunteer work closely with the school to create a tailor-made event that best addresses that school's particular needs. It works best if it is mandatory for all teachers and administrators, in order to communicate that the school takes the issue very seriously. Mandatory attendance also ensures that the variety of perspectives and concerns that different staff members bring to the issue are represented. The ACLU Lesbian & Gay Rights Project is available to help you with implementing the program, providing backup support and guidance.

Getting Into the Schools

The first tip for approaching a school is to go quietly at first. The idea of introducing sexual orientation-related issues in a school can easily get blown out of proportion, which can have the effect of shutting down receptivity before you even have the opportunity to speak with someone at the school.

A. Gather community support

The most straightforward way to encourage a school to invite you to educate the staff is to alert it to an ongoing problem that they have so far ignored. A complaint from a current student or group of students, or a recent graduate, is most persuasive. Most schools want to take action to stop harassment if administrators understand they have a problem and think that the action can be effective. To get this message across, though, may require more than just you and a complaining student. You may need to enlist help.

The first people to talk to are the counselors in the school or local youth counselors who may be familiar with sexual orientation-related harassment that is occurring in the school. Their first-hand perspective can be very convincing to administrators.

Whether faced with an actual incident or not, though, school officials may be afraid of controversy if they sponsor a teacher training to address anti-gay attitudes. Local allies can help by supporting the school's efforts. An important message to convey to administrators who are concerned about community response is that the school does not need to endorse homosexuality, it only needs to address basic problems of violence, harassment, and isolation faced by gay youth. Parents, other educators, social service people, counselors, etc. can be the best people to get that message across.

Who are the local allies to look to? Of course, every organization has different relationships with all kinds of different local groups, and only you know your community. But here are a few suggestions.

Youth counselors – Your community may have resources for young people such as a teen crisis hotline, teen support groups, or other types of support services for youth. The mental health professionals and counselors involved in these services may be important allies who can provide a first-hand account of the effects of anti-gay attitudes in schools.

Community centers and youth groups – Many local community centers sponsor lesbian and gay organizations and support groups, or you may have a local community center specifically dedicated to the lesbian and gay community. These organizations frequently are home to the community's lesbian and gay activists who might get involved or know people who are familiar with the situation of gay youth in the area's schools.

Teachers' organizations – Both the National Education Association and the American Federation of Teachers have adopted policies supporting efforts to end anti-gay harassment in schools. Your local chapters may be willing to help you identify the schools where problems exist and work with school administrators to encourage them to sponsor a workshop.

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GLSEN – GLSEN (the Gay, Lesbian and Straight Education Network) is a national organization with hundreds of local affiliates. Their members are teachers and educators of every kind who work to promote a supportive environment for gay students and teachers alike – from pressuring school boards to pass nondiscrimination policies to sponsoring gay-straight student alliances. Local GLSEN members may be able to give you important information about the schools and to provide necessary support for the program. Also, both GLSEN and PFLAG (below) might have members who could give effective presentations in the workshops themselves. To find a chapter in your area, visit www.glsen.org.

PFLAG – PFLAG (Parents, Families, and Friends of Lesbians and Gays) is another national organization with hundreds of local chapters. Their members can be some of the most moving and effective advocates you can find to press for tolerance and support of lesbian and gay youth. To find a chapter in your area, visit www.pflag.org

Gay-friendly religious allies – A growing number of religious communities and leaders are gay-friendly. There may be a Metropolitan Community Church (MCC) in your area, which is a non-sectarian church with a largely gay membership. Many Jewish and Protestant denominations also have progressive, gay-friendly branches. In San Francisco, members of Catholic Charities have been invaluable in providing logistical support and resources to the workshops.

Local colleges and universities – A local campus may be the first place to look to find lesbian and gay student groups that may want to be involved. They are likely to have gay and lesbian student members who graduated from the local high schools and can tell you about their experiences. They might be willing to approach a school administration with you, speak at a workshop, or locate students still in those schools who are facing problems.

B. Approach the school district

Some organizations may already have a close working relationship with local school districts; for others, this could be the first opportunity to develop one.

Where to start

You can start with a letter to administrators [see "The Tools"], and follow up with phone calls or personal contacts requesting a face-to-face meeting to discuss the program. The approach should stress that the sponsoring organization is hoping to work with all schools, because we know that most schools are faithfully trying to prevent harassment of all kinds from occurring but often do not have the tools to be effective, especially with anti-gay harassment. Helpful points to stress are that the workshop is free, it takes only two and a half hours, and it incorporates the knowledge of experienced teachers. It is one of the best preventive measures that a school can take.

Another way to approach schools is by developing good contacts with key teachers. You can start by looking for teachers within your own membership (if you are part of an organization), or if your state or local ACLU has a gay rights chapter, see if it has members who are teachers or have contacts with teachers. In your organization's next newsletter you could announce a search for teachers who are sympathetic to the issue, have experience effectively addressing different types of

harassment in the classroom and on campus, and would be willing to work with you in putting together the program and joining the training team.

Another place to start could be with the counselors inside the schools who may have a good perspective on what a particular school's needs are. Ask if they feel comfortable discussing issues related to anti-gay harassment or are able to bring it up to their administrators, and offer our services to them. In addition to working to help put the program together, they may be able to advocate with the school administration to get the program into the school.

It can also be very useful to know the real stories of lesbian and gay students in your school district who have experienced harassment or discrimination. To gather these stories you might try talking to local PFLAG and GLSEN chapters and local gay youth groups. Also, contact a local ACLU office. Several ACLU affiliates – particularly in Georgia, Kentucky, Nebraska, Idaho, California, and Montana – have programs through which they regularly hear from gay youth.

Many school officials resist trainings because they claim anti-gay harassment doesn't happen at their school. Actual complaints from students can be the most effective way of getting the attention of the school. Unfortunately, though, presenting these stories can sometimes put the school on the defensive. If you do have a complaint, you should be careful to approach the school in a very friendly manner, because the message of the program is that we want to help solve any problems – not that we want to initiate a lawsuit.

What to say

Stemming harassment should be a high priority for all school administrators. Even though many school officials are more and more aware of the potential for serious violence in their schools – especially if students feel shunned, isolated, or rejected – they frequently are at a loss for what to do. We should tap into this desire to take whatever measures a school can take to make all students feel welcome and safe.

The most important message to get across is that this program addresses issues of violence and safety for students, not sexuality or "gay rights." We are offering it because we get complaints of problems and we want to be able to work with schools to solve them before they turn into lawsuits, or worse. Having a student or parent join you in the request is the best way to put a human face on the issue. Even so, sometimes it takes more to convince a school that it needs to take action.

One of the most persuasive factors you can stress when you talk to a school can be the potential for liability if the school does not take preventive steps now. (Though again, we need to be sure not to sound like we are threatening a lawsuit). The key points to make are:

- Under Title IX of the Education Amendments of 1964, school districts are responsible to ensure that their schools are free of sexual harassment, which can include same-sex harassment and sometimes anti-gay harassment.

- If school officials turn a blind eye to anti-gay harassment while they take steps to deal with other kinds of harassment, they can be liable for violating the federal constitutional rights of the students affected.

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- By taking preventive steps early, a school can show that it is making efforts to stem harassment before it becomes a problem. Sponsoring educational workshops and firmly enforcing an anti-harassment policy can be crucial evidence that a school district is not indifferent – that it takes the problem seriously.

Finally, the points mentioned earlier also help: the workshop is free, it takes only a couple of hours, and is staffed by experienced and knowledgeable people.

Creating the Workshop

Trainers and Speakers

The success of the workshop depends on three vital "trainers": (1) a lesbian or gay student or recent graduate from the school, with a parent if possible, who can tell the audience what life is like in that school as a gay teen; (2) a teacher or educator (not necessarily from the particular school or district) who can speak about the problem of school harassment and ways to address it; (3) a lawyer to emphasize that school officials and teachers have a legal responsibility to stop anti-gay harassment when they see it in their schools. These three people form the heart of the workshop and make it compelling. It is critical that you reach out to people who could fill these roles as early as possible. You should line them up and begin working with them even before you have a request from a school to give a training.

Each speaker performs a unique function, roles which you should keep in mind as you talk to interested people. For instance, the teacher need not be lesbian or gay, but should be someone with respect in the school community who is able to relate well to other teachers. Frequently, teachers rightly feel that only other teachers can fully understand the day-to-day dynamics and obstacles they face. A teacher can be the best person to talk about pressures that faculty may fear from parents, or to address specific concerns like how to respond to a sensitive student question, or how to work within district policies. The right person should be articulate and comfortable talking about lesbian and gay issues, and should be familiar with the local administrative systems in the schools.

The Teacher

You may have the perfect teacher on your Board already or have contacts with someone from other work you have done. If not, one good place to look is the local GLSEN chapter. Many members are teachers, who care about making the school environment friendly for gay and lesbian youth. Active members may have attended GLSEN conferences or worked on specific issues in the past, so they should be comfortable talking about school safety issues and knowledgeable about the risks that gay youth face. Also, local PFLAG chapters or gay youth groups may be able to point you in the direction of sympathetic teachers.

The Student

The most moving speaker and thus the most important voice is the student. The student should be sincere and credible, someone who can talk reflectively about his or her experiences. She or he

should be able to focus the presentation on issues that the audience can relate to and can take measures to change – things like the atmosphere in the school, particular experiences she or he may have had around coming out to peers, family, and teachers, and what kinds of changes would have made the school a more comfortable place to be. Attached in "The Tools" is a list of suggested questions to ask an "out" student about the school's sensitivity to lesbian and gay issues. The best person is someone who is currently in the school or recently graduated, but another student is fine. If the student has a supportive parent, you should ask if the parent would be willing to join the student at the workshop – teachers usually respond very well to parents who support their kids and want to see the schools change. "The Tools" also has a list of questions for the student's parent, if he or she attends. The questions can help structure a discussion with the workshop facilitator, if the student or parent prefers an interactive format. These questions can also be provided to the student or parent in advance, with suggestions on how to address those topics in their presentation.

While in some places it may be hard to find a young person who is out and willing to relate his or her experiences to a large audience of his or her own teachers, in others you may find active gay and lesbian youth groups or students who are interested in activism and public education. The first place to look for a student is at the school inviting you. If you do not have a student already lined up before you are invited to do a training, you may be able to find one through the school. For instance, in gathering information from the school to help tailor the training [see "The Tools"], an important question to ask is whether there is a gay-straight alliance there. If so, you should find out who the advisor is, call that person and have him or her suggest someone. If you have made contact with a teacher at the school, you might ask if she or he knows of a previous student who came out and might be willing to come back to speak at the workshop. The teacher could also ask the same question of the school counselor for you. If you are still unable to identify a student, check into whether there are community allies of the sort listed above who could suggest possible speakers.

The Attorney

Finally, you will need to locate a local attorney who can talk to the audience about the school district's and teachers' legal duties. The purpose of this presentation is to emphasize to teachers that this is not just a question of being tolerant of gay and lesbian students – it is a question of their legal duties as educators. In other words, they should know that teachers have been sued for failing to respond to anti-gay abuse. The presentation should be simple and straightforward, designed for a non-attorney audience. The best presentation is one that connects the teachers' duty not to allow a discriminatory environment with their obligation to respond to all different kinds of harassing behaviors.

To find an attorney presenter, you could ask your school district attorney to participate (if there is one) or try to find a volunteer attorney in your town. The ACLU can help with finding someone. The attorney who presents should be familiar with civil rights law and with school issues and be able to talk about them without legal jargon. It is not necessary to go into detail; the fundamental legal concepts are basic and easy to understand. There are constitutional duties that require schools not to discriminate, and duties under federal statutes (Title IX) to eradicate sexual harassment. The federal Equal Access Act requires public schools to permit lesbian and gay student groups to meet on campus, if they permit other non-curricular groups to meet. A variety of local laws could be applicable, too, and there may be requirements under local education codes that the teachers should know about.

"The Tools" section contains a legal memo detailing a school's legal duties. It also contains a list of frequently asked legal questions, with guidelines for the attorney about how to answer them according to local law. The attorney should be given these materials well beforehand, and you should emphasize that he or she should look into the relevant local laws and policies of the district in order to be able to respond effectively to teachers' questions. Included in "The Tools" is a list of places to look for relevant laws in your state that the attorney can use to prepare. Before the workshop, you should also ask the school about any particular district policies that may apply to the teachers, such as whether the district has a parental notification policy for discussing sensitive topics (information to get from the school beforehand is discussed below). These are all questions that the attorney may face as he or she discusses legal issues with the teachers. The ACLU Lesbian & Gay Rights Project can help you and/or the attorney develop the legal presentation, including researching state and local law.

You should spend some time in advance working with the attorney on exactly how the presentation will go. Sometimes, teachers view the ACLU as an organization that sues schools or is looking for a lawsuit, which can be a source of tension. The attorney should stress that his or her purpose is to help make schools safer, with the hope of avoiding a lawsuit – not to find material for one. An assurance of confidentiality is also important. While it is impossible to guarantee that the conversations in the workshop are completely confidential, discussion is likely to be better if participants feel that their comments and concerns will not be taken out of the room. The attorney or facilitator should encourage the group to agree that they will respect each others' confidentiality. And simplicity is crucial. The attorney need only convey the message that the school has a legal duty to ensure that all students are free from harassment. "The Tools" contains an example of a five-minute speech given in anti-harassment workshops by one of the staff attorneys in the ACLU of Northern California.

Videos

Another key component of the workshop is a series of short video clips from excellent documentaries. The videos are a powerful way to educate the teachers through the voices of students and other educators and to offer an opportunity for them to respond and discuss among themselves the ideas and feelings that the videos provoke. The documentaries address the experience of lesbian and gay students and the children of lesbian and gay parents. They also address questions that come up in discussing lesbian and gay-related issues in the classroom. Recommended in the outline of the workshop are a few different video clips and suggested discussion points for each. It is critical during the workshop to allow five to ten minutes after each clip for discussion and to structure the discussion with questions. The videos frequently provide a secure starting point that helps teachers to begin to talk about sensitive issues or simply to say words like "lesbian" or "gay" that make them uncomfortable to speak out loud. [See "The Lesson Plan."]

The selection of video clips are suggested in the sample lesson plan, though you should substitute or change clips as appropriate. Depending on your community, some clips may be more provocative than others. You should watch them beforehand to decide which are most appropriate for your particular audience. For example, clips from It's Elementary portray teachers leading classroom discussions. The clips demonstrate how it is possible to discuss gay issues in non-threatening, age-appropriate ways. Nevertheless, the video has engendered controversy as it has been misrepresented as encouraging young children to be gay. You should think about your audience and your goals when you consider introducing a video that suggests affirmative class-

room education about gay issues and make whatever adjustments to the introduction or the discussion that are appropriate.

Some of the videos are more easily accessible than others. Information about where to get them is provided. Also, be sure to provide the video descriptions below to the teacher who will be presenting.

It's Elementary: Talking About Gay Issues in Schools

It's Elementary is a nationally-acclaimed video. It addresses young children's misperceptions about lesbians and gay men and portrays educators' attempts to address the stereotypes. It includes the voices of students, teachers (including teachers who struggle with their own feelings about addressing gay issues in school), and school principals as it shows different approaches to lesbian and gay issues in four different schools. The training video is 37 minutes long and can be edited to show only certain clips. The following are synopses of the four primary excerpts in the training video, which is cut from the full-length documentary. It is produced by Women's Educational Media (2180 Bryant Street, Suite 203, San Francisco, CA 94110; (415) 641-4616; wemfilms@womedia.org) and distributed by New Day Films ((201) 652-6590; www.newday.com).

1. P.S. 87, elementary school (runs from approximately 7:30 to 15:10)

   This segment follows an elementary school teacher as she introduces the words "gay" and "lesbian" and talks with the students about what comes to mind when they hear the words. The students tell the teacher where they got their ideas about what gay or lesbian means. This clip effectively makes the point that young people absorb anti-gay images through all kinds of popular culture. It is a good segment for introducing the idea that there are age-appropriate ways to teach about anti-gay discrimination.

2. Peabody Elementary, "Love Makes a Family" exhibit (runs from approximately 15:10 to 17:50)

   A principal discusses the objections she heard from parents about a display of photographs of families with gay parents and the positive results from this community discussion. It also follows a fifth grade teacher who was skeptical about having the exhibit in his school as he watches the children viewing it. This is a non-threatening clip about one school's successful effort to make lesbian and gay families feel included in their school.

3. Cambridge Friends School – Gay Pride Day (runs from approximately 24:55 to 37:00, could be edited down)

   This is a very effective segment covering a school-wide acknowledgment of gay pride day through an assembly and lessons in class. It begins with a faculty meeting among teachers to prepare, in which some express their concerns about teaching kids that it's okay to be gay. The clip very effectively addresses these concerns with the message that the school is teaching that everyone needs to respect other people's differences. It goes on to show some of the classroom scenes, such as read-

ing to young children from the book "Asha's Mums" (about a little girl with two mothers), and follows with another teacher discussing how she learned to put aside her cultural heritage of homophobia in order to respect all the children in her classroom. This clip is especially effective for showing teachers' own struggles with addressing lesbian and gay issues.

4. Burbank Middle School eighth graders (runs from 2:30-7:30 and continues from 17:50 to 24:50, could be edited down)

   This piece follows an eighth grade class as the teacher begins a lesson on stereotypes and the students express their attitudes about lesbians and gay men. It continues as two young people from a local gay organization visit the class, discuss their process of coming out, and open up to any questions the students have for them as gay and lesbian people. The attitudes expressed and the questions asked demonstrate the prevalence of anti-gay stereotypes among teenagers. The clip goes on to show short pieces on hate crimes against gays and gay teen suicides, and closes with the school principal. It is a good piece to show teachers of older students who may think that students do not have anti-gay attitudes.

Both My Moms' Names Are Judy

This is a ten-minute documentary produced by the Lesbian and Gay Parents Association as part of an in-service training for elementary school educators and administrators. The video consists entirely of the voices of children, ages 7 to 11, who have lesbian or gay parents. They discuss their families, their experiences in school, and how silence from teachers around lesbian and gay issues affects them. This video is a good reinforcement of the different kinds of families kids may have and the ways that anti-gay attitudes can affect all students for a variety of reasons, starting at very early ages. It is available from the Lesbian and Gay Parents Association, 6705 California Street #1, San Francisco, CA 94121; (415) 387-9886; lgpasf@aol.com.

PFLAG Project Open Mind PSAs

These are four public service announcements, each one thirty seconds long, about harassment of lesbian, gay, bisexual, and transgendered youth and suicide among lesbian, gay, bisexual, and transgendered teens. They are powerful educational tools about the impact of anti-gay prejudice, designed for a mainstream television audience. The public service announcements were produced by Parents, Families and Friends of Lesbians and Gays (PFLAG) and the video is available from them at 1101 14th Street NW, Suite 1030, Washington, DC 20005; (202) 638-4200; www.pflag.org.

Teaching Respect for All

Teaching Respect for All is a video training for educators about lesbian and gay issues. It is a highly instructive, 52-minute presentation that addresses why teachers, administrators and schools should care about issues of sexual orientation. It contains several different segments addressing topics from vocabulary, to "the closet," to the "invisible advantages" of majority populations, with

the overriding focus on what it's like to be a lesbian or gay kid in high school or middle school today. Particularly good clips include a four minute piece beginning at around 13:50 that addresses why teachers, including those with personal beliefs that being gay is wrong, still need to address anti-gay attitudes in school; and one beginning at around 18 minutes in which he explains how it is possible to talk about gay issues without talking about sexual behavior. Throughout the video teachers read letters written by lesbian and gay teens about their experiences. *Teaching Respect for All* is available through GLSEN, 121 W. 27th Street, Suite 804, New York, NY 10001; (212) 727-0135; www.glsen.org.

Scenarios

The workshops include role-playing scenarios to help teachers become comfortable with thinking pro-actively and sensitively about gay-related incidents that may come up in school. "The Lesson Plan" includes several scenarios that have been used successfully in the past, with discussion points for the facilitator to raise. You may also wish to come up with scenarios of your own or create one that speaks more directly to the concerns of the school where the workshop will take place. To prepare for this segment, you should select scenarios and write them down in the form of handouts for the audience (without the suggested discussion points in "The Handouts"). One of the facilitators – either the teacher or the attorney – should pass out the scenarios, break the audience into small groups, and ask participants to come up with appropriate responses which they then share with the larger group.

Frequently, the scenarios will elicit questions about particular school policies or district procedures. For instance, teachers may want to know what the district authorizes them to say if they need to respond in class to a student's homophobic remark. They may want to know if they need to get permission from the principal, or notify parents, before they can answer a student question about something that may be gay-related. They may want to know what their rights are if a parent makes a complaint because they allowed the class to discuss an event like the murder of Matthew Shepard.

You will have gathered the basic policies[1] as part of preparing the workshop (see below), so the teacher or the attorney should be able to answer most of the questions. You may want to ask the principal or administrator in attendance to provide some guidance on these kinds of questions. Sometimes, you can use the opportunity to press the administrator to make it clear that the school will back up a teacher who takes steps to make the school safer for lesbian and gay students.

Tailoring the Workshop

Once you have lined up trainers and been invited by a school to present a workshop, the next step is to gather information so that you can tailor it for that particular school. Below is a series of questions to ask your contact person at the school to prepare for the training. [See "The Tools."] You

1 Some school district policies governing the treatment of homosexuality in the curriculum either forbid discussion of homosexuality at all or forbid any discussion of it in anything but a negative light. These kinds of policies may not be constitutional under the First Amendment. If you come across such a policy, contact the ACLU Lesbian & Gay Rights Project. We can work with you to encourage the school district to revise its policy.

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will need to gather background on the existing resources the school already makes available for gay or questioning students or their parents, obtain copies of the relevant policies, and determine whether you can identify a gay or lesbian student from the school who may be willing to participate (if you do not have one already). Finally, there are two important things to ask the sponsoring school to do to prepare for the workshop: (1) have the people attending fill out a survey (below) beforehand, and (2) ensure that the principal, or highest-respected administrator, introduces the workshop. It is critical that someone with authority emphasize the importance of this effort to keep the school a safe place for every student.

Questions to ask:

- How much time have they set aside for the workshop? You should have a minimum of two hours, but two and a half is much better.
- How many faculty will attend? How many other staff? Is the school making it mandatory?
- What made the school administrators want to have the workshop?
- What does the school hope to get out of it? You can suggest potential topics to stress, depending on the school's needs: steps to take to create a safe environment for gay and lesbian students, faculty, and staff; discussing gay and lesbian issues in the classroom; verbal harassment among students; different ways staff can deal with biases; etc.
- Has the school done any workshops like this before, such as race or cultural sensitivity training? When?
- Is there a gay-straight student alliance in the school? In any nearby schools? Who is the advisor?
- What information does the school have available to parents with questions about sexual orientation, or who provides support services? Is this information available to students?

Materials for the school to send you:

- A copy of the student handbook;
- If not in the handbook, a copy of any anti-harassment/nondiscrimination policy, or code of conduct that governs student behavior in the school;
- A copy of any policies the school has for teachers on (1) discussing gay and lesbian related issues and/or (2) getting permission from school administrators, or notifying parents, if they wish to address sensitive topics. When you ask for this information, you may need to reassure the school representative that the workshop is not about teaching a pro-gay curriculum, but we still find that teachers have questions about these kinds of policies as the workshop progresses. For instance, they may realize that stopping harassment could require them to talk to students about anti-gay attitudes, or they may want to know what the school allows them to do to create a safe environment in their classroom.

Survey

We ask the faculty who are attending to fill out a short survey in advance to help tailor the workshop in a way that best suits everyone's needs. It also is a terrific tool to get the audience members thinking before they come to the workshop, encouraging participants to notice the environment in their school and their own comfort level with lesbian and gay kids. You should fax the survey to the representative, ask him or her to distribute it to the attendees, and mail them back to you in a few days. The recommended survey (reproduced in "The Tools") has the five questions below, but you may want to add to them or change them to fit your needs.

1. How safe do you think _____ School is for lesbian, gay, or bisexual students, or students who are questioning their sexual orientation? For lesbian, gay, or bisexual faculty and staff? Please briefly explain your response.

2. How comfortable are you with talking about lesbian, gay, and bisexual issues with other faculty and staff? With students?

3. How effective do you think the school is in dealing with racist or sexist comments, sexual harassment, or anti-gay comments in the classroom and in the hallways? Do you feel that you are effective, or consistent, in confronting students or faculty when they make racist, sexist, or anti-gay remarks?

4. Has a student ever come out to you? If so, how did you respond?

5. What would you like to get out of a training that focuses on creating a safe environment for lesbian, gay, and bisexual students on campus?

Logistics

Once you have lined up all the pieces, you will be ready to put the program together. Some important details to remember:

- Make sure that the principal or a highly respected administrator will be there to introduce the program – stress the importance of their endorsement.

- Identify a contact person at the school to work with on follow-through, after the workshop.

- Don't forget to find out where the workshop will be and when you should arrive, and to make sure they have the equipment you need: a TV and VCR, and, if you want to use them, flip charts or an overhead projector.

Once you have gathered all the necessary information, you can begin to work it into an agenda. You should take the information from the surveys and use it to help you identify which video clips are the most appropriate and what to discuss afterwards, which scenarios to use, and how much time to spend in each portion of the agenda. For instance, in some schools you may be able to go over vocabulary very quickly, while in others you may need to spend more time just making people comfortable with the words. Or if there has been a particular incident in the school which prompted administrators to invite you, you might decide to allocate some time to that.

Follow-Up

At the end of the workshop, trainers will go over several recommendations about steps the school can take, and that teachers can take on their own, to create a safer environment for lesbian and gay students (recommendations are provided in "The Handouts"). Some of these recommendations come from the U.S. Department of Education's manual on preventing harassment and hate crimes in schools and are directed at school-wide or district-wide actions. The U.S. Department of Education's manual is comprehensive and should provide excellent guidance for a school in enacting an anti-harassment program, training everyone in it, and developing an inclusive curriculum. [See "The Tools."] Other recommendations include steps that individual teachers can take as soon as they get back to their classrooms, such as putting inclusive material up on the walls (if the school allows classroom displays – though be sure to stay within district policy) or establishing classroom expectations regarding harassing or discriminatory behavior.

By the end of the workshop, you should have a good sense of the existing policies in the district, the environment in the school, and the educators' openness to taking further steps. Based on this, in the final segment of the workshop the participants should identify two or three concrete steps that the district will take, or that teachers will take, to follow through on making the school safer. A representative from the school should be designated as a contact person so you can help her or him with the next steps in the school's commitment. That contact person ought to feel that he or she can come to you for further advice and suggestions should an incident come up, or should he or she want further guidance. "The Handouts" contains a comprehensive list of other resources, helpful groups, and additional materials that are available to schools and to students trying to make their classrooms a safer place to learn.

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Making Schools Safer for Lesbian, Gay, Bisexual, Transgendered, and Questioning Students

A Free Workshop Presented by _____

We are writing to let you know about a program we have available to schools and school districts that are interested in reducing peer harassment directed at lesbian, gay, and bisexual or questioning students.

The ACLU has worked with school districts nationwide to develop a free workshop on creating a safe environment throughout the school. The workshop focuses on addressing anti-gay harassment, and responding to the risks that confront many youth who are questioning their sexual identity. So far, we have trained over 1500 teachers, administrators, and staff. This training is now available here through the ACLU of _____.

We hope that the training will help us work with schools to respond to concerns we have heard from students and parents, in both rural and urban areas. Too often, we hear about schools that tolerate a hostile environment where students harass others whom they perceive or know to be gay, lesbian, bisexual or transgendered. These school environments not only expose administrators to legal liability, they violate students' rights to a safe and peaceful campus where they can learn without unnecessary distractions. Also, many teachers have requested guidance on how best to respond to student questions about lesbian and gay issues and what support to expect legally when trying to support students who are struggling with their sexual identity, or that of a friend or family member. We hope that by offering these workshops, we can work cooperatively with schools to take preventive action before a problem develops, or to stop a potential problem before students or teachers get hurt.

The ACLU will work closely with you to create a tailor-made workshop that best addresses the particular needs of your school. The workshop usually lasts about two and a half hours. It includes an interactive panel presentation by one or two students who are gay, lesbian, or bisexual (preferably students who have recently graduated from the school holding the workshop), and a parent or guardian if available. The workshops are facilitated by a teacher from the district, and also feature a legal presentation from an attorney on the duties and liabilities of school personnel in dealing with anti-gay harassment. The workshop covers practical suggestions about how to address name calling in the classroom and in the hallways, how to build support for a campus-wide approach to create safe environments for all students, and the legal responsibility schools have for creating such environments. A comprehensive packet of materials is provided to each participant, including suggestions from the U.S. Department of Education on creating a harassment-free environment.

The ACLU is prepared to handle the logistical planning of the workshop, which includes a survey to allow the faculty and staff to identify their particular concerns and needs, coordinating panels, and identifying students or former students who are lesbian, gay or bisexual and are available to share their experiences as students in your district. This workshop is free. If possible, we would like to encourage schools to make this workshop mandatory for all faculty.

If you are interested in learning more about this opportunity, please call _____.

Survey of Faculty and Staff

In Preparation for Training on Creating a Safe Environment for Lesbian, Gay, Bisexual, and Transgendered Students in School

Please take a moment to answer the following questions to help tailor a training for the faculty and administration that best suits everyone's needs. Please return the survey to _____ by _____. Thank you for your time and cooperation.

1. How safe do you think _____ School is for lesbian, gay, bisexual, transgendered, and questioning students? And LGBT faculty and staff? Please briefly explain your evaluation.

2. How comfortable are you in talking about lesbian, gay, bisexual, and transgender issues with other faculty and staff? With students? If you do not feel very comfortable, please identify what makes you uncomfortable about such conversations.

3. How effective do you think the campus is in combating racist or homophobic harassment in the classroom and in the hallways? Do you respond to students or other faculty when they make racist or homophobic comments?

4. Has a student ever come out to you? If so, how did you respond and help that student?

5. What specifically would you like to see included in a training that focuses on creating a safe environment for lesbian, gay, bisexual, and transgendered students?

Thank you for your time! Please return to _____ by _____ .

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Checklist to Prepare for the Workshop:

Discussion with School Representative

Questions to ask:

1. How much time have they set aside for the workshop? You should have a minimum of two hours, but two and a half is much better.

2. How many faculty will attend? How many other staff? Is the school making it mandatory?

3. What made the school administrators want to have the workshop?

4. What does the school hope to get out of it? You can suggest potential topics to stress, depending on the school's needs: steps to take to create a safe environment for gay and lesbian students, faculty and staff; discussing gay and lesbian issues in the classroom; verbal harassment among students; different ways staff can deal with biases; etc.

5. Has the school done any workshops like this before, such as race or cultural diversity training? When?

6. Is there a gay-straight student alliance in the school? In any nearby schools? Who is the advisor?

7. What information does the school have available to parents with questions about sexual orientation, or who provides support services? Is this information available to students?

Materials for the school to send you:

1. A copy of the student handbook

2. If not in the handbook, a copy of any anti-harassment/nondiscrimination policy, or code of conduct that governs student behavior in the school

3. A copy of any policies the school has for teachers on (1) discussing gay and lesbian related issues and/or (2) getting permission from school administrators, or notifying parents, if they wish to address sensitive topics. When you ask for this information, you may need to reassure the school representative that the workshop is not about teaching a pro-gay curriculum, but we still find that teachers have questions about these kinds of policies as the workshop progresses. For instance, they may realize that stopping harassment could require them to talk to students about anti-gay attitudes, or they may want to know what the school allows them to do to create a safe environment in their classroom.

Questions for the Student

The following is a list of suggested questions to use as a guide in leading the segment of the workshop in which a current or former student, and parent if present, describes his or her experiences in the school. These questions can be used by the teacher to lead an interactive discussion or by the student as an outline for her/his presentation.

1. How did you come out – to yourself, family, or friends at school?
2. How did other students respond to your coming out?
3. What types of harassment did you experience at school?
4. Did the harassment ever occur in front of a teacher or school administrator?
5. Did you ever go to a teacher or administrator to complain about an incident?
6. How did your family respond to your coming out – what did they struggle with?
7. How were you supported by your teachers?
8. What could the school have done to be more supportive, to make your life easier at school?
9. Did you have any role models at school?
10. Is there any correlation between the support you did or did not get at school and the person you are today?
11. How did you do academically at school – was there any correlation between your academic achievement and how you were treated at school?

Questions for Student's Parents (if present):

1. What were your fears when your child came out to you?
2. What was your own coming out process like (coming out that you have a gay child)?
3. What did you hope the school would provide for your child?
4. Did you get any support from the school?
5. What do you hope the school can provide now?
6. Do you have other children going to the same school – how do you want the school to support your other children and their gay sibling?

Protecting Students from Harassment and Hate Crime

A Guide for Schools

U.S. Department of Education
Office for Civil Rights

National Association of Attorneys General

Endorsed by the National School Boards Association:

"Research indicates that creating a supportive school climate is the most important step in preventing harassment. A school can have policies and procedures, but these alone will not prevent harassment. This is the kind of good preventive work the field needs to help ensure that schools provide a safe and welcome environment for all students."

September 1999

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Part I: The Fundamentals

A Comprehensive Approach to Eliminating Harassment and Hate Crime

To establish an educational environment free from discrimination and harassment will ordinarily require more than just punishing individual instances of misconduct. Students will benefit most from stopping harassment from happening at all. Therefore, an effective anti-harassment program must incorporate the kinds of strategies that will prevent harassment, not merely increase the chance of punishment. While building a strong program often starts with developing and enforcing written policies and procedures, all of a school district's programs and activities should support its anti-harassment efforts. The school's instructional program, calendar of events, extracurricular activities, professional development efforts, and parent involvement initiatives are key to establishing an environment in which respect for diversity can flourish.

Successful prevention strategies depend on the coordinated efforts of all school employees, including individuals responsible for administration, curriculum, instruction, discipline, counseling, public relations, and personnel. Parents, students, law enforcement agencies, and other community organizations also play an important role. Schools should consider developing action plans both at the district level and at individual school sites that specify the steps each segment of the school community will take to implement a comprehensive anti-harassment program.

By designing and implementing a comprehensive approach, schools can establish the framework for a safe environment conducive to learning for all students. The key components are as follows.

Develop written policies that prohibit unlawful harassment

At a minimum, a school's governing authority should adopt and disseminate written policies that:[5]

- Set forth the school's commitment to protect students from harassment and violence and to maintain a nondiscriminatory environment
- Identify the types of harassment prohibited by the policy and give examples
- Require staff to report harassment that they learn about
- Explain how to report harassment and to whom to report it
- Describe the various steps the school will take to respond to reported incidents
- Include formal complaint procedures
- Prohibit retaliation against persons who report harassment or participate in related proceedings
- Ensure that all members of the school community are aware of their rights and responsibilities

Student codes of conduct and *personnel policies* should also be examined to ensure that they contain rules of behavior, offense categories, and disciplinary procedures to address violations of the district's anti-harassment policies appropriately.

For additional recommendations, see Part II: Developing Written Anti-Harassment Policies, page 15.

Identify and respond to all incidents of harassment and violence

All staff and administrators should be taught to accurately and sensitively advise students and parents reporting harassment of the relevant school policies and the options for stopping the harassment. In all instances, students and parents reporting harassment should be told how to file a formal complaint. Reporting procedures should be easy to use and well publicized. At least one employee should be formally designated and trained to receive complaints. The names and positions of the

Steps in a comprehensive approach

- Board members, district administrators, and the superintendent recognize the urgency of the problem of unlawful harassment and hate crime, identify people and agencies that can help them develop effective prevention and response strategies, and compile a library of useful materials
- School officials select personnel to work on creating an effective anti-harassment program in consultation with parents, students, and community groups
- Compliance coordinators are appointed and trained
- School personnel assess the school climate to determine the prevalence and types of harassment that may exist and the potential for hate-motivated violence
- School district adopts a written anti-harassment policy or reviews and revises existing policies for accuracy, clarity and legal compliance; the policy is clearly communicated to all members of the school community; and school personnel and students are held accountable for their actions
- School district develops a formal grievance procedure and takes steps to make sure it is working properly
- Instructional personnel use or supplement the district's curriculum and pedagogical strategies to foster respect and appreciation for diversity
- School sites institute, improve, or expand age appropriate student activities to prevent or reduce prejudice and conflict
- School district and individual school sites institute specific measures to respond immediately and effectively when harassment occurs to stop the harassment and prevent recurrence
- School officials flexibly apply response mechanisms to both the victim and the perpetrator, taking into account the parties' ages and the context of the behavior
- School personnel continually monitor the school climate and promptly address problems that could lead to harassment or violence or that indicate that harassment could be occurring
- Appropriate school officials become familiar with pertinent civil and criminal laws at the state, local, and federal levels, so that they are able to recognize possible civil rights violations, hate crimes and other criminal acts
- Schools develop guidelines and procedures for collaboration with law enforcement officials, make appropriate referrals to outside agencies, and designate liaison personnel
- Crisis intervention plans are in place to minimize the possibility of violence or disruption of the educational process
- District-level personnel and individual school sites form continuing partnerships with parents and the community to prevent hate crimes and harassing behaviors
- Staff training and professional development programs support the district's anti-harassment efforts
- All harassment incidents are carefully documented and incidents are reported to outside authorities as required
- District regularly assesses the effectiveness of its anti-harassment efforts

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persons designated should be made known to all members of the school community.

Require all staff to report to a designated school official, who has authority to take corrective action, any harassment that students report to them or that the employees observe. School personnel should not overlook incidents that, viewed alone, may not rise to the level of unlawful harassment. Consistent enforcement of all disciplinary rules and meaningful interventions by staff to teach appropriate behavior will tend to discourage more severe misconduct and to help achieve an atmosphere of respect and courtesy. Consider all available resources to address instances of inappropriate behavior, including increased parental involvement.

A repertoire of options that consider the nature of the conduct and the age and identity of the perpetrator and target of harassment are needed to respond to incidents of varying levels of severity, persistence, and pervasiveness. Top school officials or a designated coordinator may wish to screen all allegations of harassment to make sure that an appropriate course of action will be taken.

In responding to incidents of harassment, schools should pay close attention to the possibility that harassers and their friends and associates may attempt to retaliate against persons who report harassment. Retaliation or reprisals can include threats, bribes, unfair treatment or grades and further harassment such as ridicule, pranks, taunting, bullying, and organized ostracism.

Recognize that students may be harassed, not only because of their own race, sex, ethnicity or other characteristics, but also because of their association with individuals who are members of a targeted group.

Effective mechanisms to respond to incidents of harassment

- Immediate investigation of all reported incidents to determine whether the alleged harassment occurred, determine the scope and severity of the behavior, identify the perpetrators, evaluate the harm to the victims, and determine the appropriate corrective action
- Immediate referral to law enforcement authorities when the acts in question are violent or criminal in nature
- Forthright announcements by school authorities condemning the harassment and promising appropriate corrective action when the incidents are well known or of public concern[6]
- Punishment, as appropriate, of harassers who violate provisions of the school's student disciplinary code, such as provisions against sexual and racial harassment, obscene language, vandalism, other property damage, physical assault, threats and intimidation, etc.
- Disciplinary action, as appropriate, against employees who violate the school's policies against sexual, racial, and other types of harassment
- Ongoing remedial actions intended to prevent recurrence, such as increasing adult supervision of an activity in which incidents have occurred and close monitoring of the victim's security
- Emotional and psychological support as needed by the harassment victim
- Informal procedures for resolution, such as peer mediation or counseling, when informal resolution is voluntarily selected by the parties, the harassment victim has full knowledge of the right to pursue the formal complaint process, and the school determines that informal resolution is appropriate for the incident in question
- Teaching students who engage in harassing conduct more acceptable behavior, especially where the students are very young or the conduct was not intended to be harmful

For additional recommendations, see Part II: Identifying and Responding to Incidents of Harassment, page 23.

Provide formal complaint procedures

A formal complaint process is necessary in addition to the various other mechanisms that districts should use to address all incidents of harassment. The district should provide formal complaint procedures that ensure students and their parents a means of obtaining corrective action, if they prefer to file an official complaint or are dissatisfied with the district's response to alleged harassment.

Federal laws prohibiting sex and disability discrimination require prompt and equitable complaint procedures that incorporate due process standards.[7] Such procedures are also recommended to address complaints of race and national origin discrimination, and other types of discrimination addressed by a district's policy. The term "grievance procedures" is also used to refer to formal complaint procedures, and this Guide uses the terms interchangeably.

Formal complaint procedures should include:

- Notice to students, parents, and employees of the process, including how and where complaints can be filed
- An opportunity for a prompt, thorough, and impartial investigation, including the opportunity to present witnesses and other evidence
- Confidentiality of the complainant, the alleged harasser, and any witnesses, to the extent possible in the particular case
- Notification to the complainant of the outcome of the complaint consistent with any legally required privacy restrictions
- Effective remedies when discrimination is found

For additional recommendations, see Part II: Formal Complaint Procedures, page 31.

Create a school climate that supports racial, cultural, and other forms of diversity

There is a growing consensus among educators that the best way to protect students from harassment is to establish a secure environment that expects appropriate behavior and promotes tolerance, sensitivity to others' views, and cooperative interactions among students. Effective anti-harassment programs therefore endeavor to provide students with a curriculum, teaching methods, and school activities that discourage stereotypes and respond to the concerns of students of different races and cultural backgrounds.

MAKE EXPECTATIONS CLEAR. The district should regularly communicate its policies against harassment to all members of the school community, including students, staff, parents, and school visitors, and make it clear that the policies will be enforced. Take steps to make sure that students are able to identify harassment, understand its causes and effects, and feel comfortable reporting instances of harassment.

MONITOR THE SCHOOL ENVIRONMENT AND DOCUMENT ALL INCIDENTS. The school environment and activities should be regularly monitored to ensure that harassment is not occurring. All instances of alleged or suspected harassment, whether or not substantiated, should be documented. Documentation should include all disciplinary incidents in which race, national origin, sex, disability, or other subjects of district concern are a factor.

IDENTIFY STUDENT AND PARENT CONCERNS. Without an effort to identify student and parent concerns, school officials may not realize the extent of harassment that occurs in their schools. To identify areas needing attention, school officials should seek out information about underlying conflicts and tensions among students, both in school and in the community. Areas of concern could include possible antipathy toward recent immigrants, pervasive racial stereotypes, frequent sexual harassment, and any inequities in treatment by school personnel as perceived by students and parents. Such information can be obtained via a voluntary survey or through public meetings. Maintain contact with students and parents to identify potential "trouble spots" for attention before harassment occurs.

STAFF TRAINING. A school district should provide sufficient training to enable employees to take an active part in the district's efforts to prevent

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and address harassment. In-service training and professional development opportunities should be geared to:

- Assist teachers, coaches, counselors, administrators, and paraprofessionals to recognize harassment and prejudice and to apply techniques for on-the-spot intervention
- Deepen the understanding of teachers and other employees of diverse cultural attitudes and behaviors; racial, ethnic, and sex based stereotypes; and the types of problems faced by students at school and in the community
- Enable teachers to use specific prejudice reduction curricula, materials, and techniques in the classroom
- Increase employees' sensitivity to the phenomena of racial, sexual, and disability harassment and the emotional, psychological, and educational damage that may result
- Inform teachers and other employees of expected behavior to prevent charges of harassment and suggest ways to improve communication skills to avoid unintended offense
- Ensure that all employees appropriately advise students and parents who report harassment of their options for obtaining help
- Enable administrators, compliance coordinators, complaint managers, complaint investigators, and school disciplinarians to properly perform their duties as designated by district policies

CURRICULUM AND TEACHING METHODS. Successful anti-harassment efforts generally provide opportunities for students to overcome ignorance, mistrust, and biases. Age appropriate prejudice reduction and sexual respect concepts can be included in social studies, literature, and other classes.

Examples of teaching strategies that can help to reduce prejudice include modeling unbiased behavior, improving students' critical thinking skills, helping students to develop empathy, and encouraging cooperative learning.[10] Numerous curriculum materials are available with little or no charge. For examples of prejudice reduction programs and related materials, see *Preventing Youth Hate Crime: A Manual for Schools and Communities* and the *Annual Report on School Safety* published by the U.S. Department of Education in conjunction with the U.S. Department of Justice and other publications cited in Appendix E of this Guide. *Preventing Youth Hate Crime: A Manual for Schools and Communities* and the *Annual Report on School Safety* are available at www.ed.gov/offices/OESE/SDFS/news.html.

STUDENT ACTIVITY AND MEDIATION PROGRAMS. Student activities, such as leadership clubs, that encourage students of different backgrounds and both sexes to work together on shared projects can contribute to intergroup understanding. Many schools use trained student mediators to resolve personal conflicts that could lead to harassment. In some schools, student volunteers are trained to discuss diversity issues with their peers or younger students in the classroom.

APPOINTMENT OF COMPLIANCE COORDINATOR. Federal regulations require the appointment of individual employees to coordinate the district's efforts to comply with laws against sex and disability discrimination.[11] Appointment of individuals to coordinate efforts to eliminate discrimination based on race, national origin, and other grounds covered by the district's policy is also recommended.

The duties of compliance coordinators (also termed "equity coordinators") might include:

- Maintaining and analyzing documentation of all harassment incidents
- Regularly reviewing the effectiveness of the district's efforts to correct and prevent harassment and proposing improvements
- Regularly assessing the adequacy of training for staff, administrators, students, and parents and proposing improvements
- Advising and assisting other personnel to properly handle complaints and reports of harassment
- Ensuring that top district officials are informed about harassment incidents and the adequacy of the school's response

The names, positions, addresses and telephone numbers of the compliance coordinator(s) should appear in all publications and postings of district policies and complaint procedures.

For additional recommendations, see Part II: Creating a Positive School Climate, page 35.

Federal statutes related to hate crimes

Federal law prohibits the intentional use of force or threat of force against a person because of his or her race, color, religion, or national origin for the purpose of interfering with the person's enrollment or attendance in any public school or college. Federal law also allows more severe penalties when persons convicted of federal crimes were motivated by bias against the "actual or perceived race, color, religion, national origin, gender, disability, or sexual orientation of any person."[9]

Work with law enforcement agencies to address and prevent hate crimes and civil rights violations

DEFINITION OF HATE CRIME. Depending on the jurisdiction, hate or bias crimes involve criminal acts in which the victims are selected based on characteristics such as race, national origin, ethnicity, sex/gender, religion, sexual orientation or disability. Bias crimes include both attacks on persons and on property. Typical hate crimes include threatening phone calls, hate mail, physical assault, threats of harm or violence, arson, vandalism, cross burnings, destruction of religious symbols, bombings and bomb threats. School officials should find out the specific definition of bias crimes established by their state and local governments. There is no bright line between hate crime and noncriminal harassment, and some incidents may include elements of both. For a summary of state hate crime laws, compiled by the Anti-Defamation League, see Appendix C.

No school district or community is immune from the damage that can be done by bias crime, and such crimes can happen even in schools with excellent reputations. Bias crimes that occur in school can create or exacerbate tensions that contribute to community-wide conflicts and civil disturbances. Bias offenses committed outside of school may quickly affect the school climate and relationships among students. Therefore, schools also need to be aware of incidents in the community and become involved in preventing and addressing them.

REFERRALS TO LAW ENFORCEMENT AUTHORITIES. School officials should contact law enforcement officials when hate crimes are committed or suspected on school property or in connection with off-site school activities. School officials should also contact law enforcement officials when they become aware of any criminal behavior that endangers the life or safety of students or other persons, whether or not the behavior occurs on school property or in school activities.

School officials should consider developing guidelines for referral of less serious incidents to appropriate authorities. Circumstances that may be considered in determining whether a referral is appropriate or necessary include the nature and seriousness of the conduct, whether a pattern of biased conduct is evident, and the risk that the conduct poses to the health, safety, or well-being of students, employees, and the public. For example, school officials should tell law enforcement officials about apparently less serious instances of harassment if these could lead to violent retaliation or serious confrontations outside of school.

Schools are encouraged to establish ongoing lines of communication with law enforcement agencies. Also, schools that have on-site security personnel should involve them in efforts to address and prevent hate crimes.

PRESERVATION OF EVIDENCE. School officials should balance the need to preserve the physical evidence of hate crimes for investigation and the need to minimize the exposure of students to harmful messages.[11] In addition to violating the school's disciplinary code or anti-harassment policies, certain kinds of graffiti may also be of interest to law enforcement agencies. Some law enforcement authorities recommend that evidence of graffiti be preserved for investigation when the graffiti is repetitive or persistent, is located in places

Assist victim to pursue law enforcement options

Schools should encourage student victims to notify the police or file criminal charges, where appropriate. Whether or not a student intends to file charges, the school should make its own law enforcement referral. Notification to the police by the student or the school does not relieve the school district of its obligation to investigate, make findings, and remedy the harassment insofar as school-related conduct is involved. To avoid compromising a criminal prosecution, schools should coordinate their activities with law enforcement authorities. Persons injured by harassment should be told about all methods of obtaining corrective action. These include the school's internal complaint procedures, criminal charges, and complaints with governmental and non-governmental agencies that address civil rights violations in schools.[14]

of high visibility, identifies particular targets, identifies the perpetrator, contains incitements to violence, threats or intimidation, and/or targets particular groups.[15] Use methods to reduce exposure to the offense which do not destroy the physical evidence, such as covering or concealing it. Photographing all instances of hate-motivated or harassing graffiti is a good practice, and, if a criminal violation is involved, the physical evidence should be preserved until the police approve removal.

CRISIS INTERVENTION PLANS. Crisis intervention plans should include methods of rumor control, media contacts, close and continuing communications with students, parents, and the community, and liaison with law enforcement agencies and experts in crisis management. For information on crisis avoidance and response strategies for schools and communities, see *Early Warning, Timely Response: A Guide to Safe Schools*, available at www.ed.gov/offices/OSERS/OSEP/earlywrn.html.

OCR ENFORCEMENT. School officials should inform members of the school community of the role of outside agencies in protecting students' civil rights. OCR investigates and resolves discrimination complaints, including complaints that schools have allowed or condoned sexual, racial or disability harassment. The vast majority of meritorious complaints filed with OCR are satisfactorily resolved through an agreement with the school district. If, however, resolution of such a complaint does not occur, OCR can bring an administrative hearing to suspend or terminate federal funds to a school district that refuses to correct discrimination. OCR can also refer such complaints to the United States Department of Justice, which can initiate a lawsuit to secure remedial action.

STATE AND LOCAL CIVIL RIGHTS AND EDUCATION LAWS. Acts of harassment may also violate state or local civil rights, anti-discrimination, or education laws. In addition to harassment based on race, national origin, sex, and disability, which is specifically covered by federal law and many state laws, some states have laws that prohibit harassment based on religion and sexual orientation. In some states, such as Massachusetts, the state attorney general is authorized to bring civil suits to enjoin future criminal and certain types of noncriminal civil rights violations with criminal sanctions for noncompliance. Some states have also enacted laws spelling out the steps that schools must take to prevent or address harassment. We strongly recommend that school districts contact the attorney general of their state, the state department of education, and county and municipal officials to determine what state and local requirements apply and what state and local remedies are available.

For additional recommendations, see Part II: Addressing Hate Crime, page 41.

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Part II: Step-by-Step Guidance

Identifying and Responding to Incidents of Harassment

A comprehensive program to prevent and eliminate harassment should include procedures for students to follow if they believe they have been subjected to harassment. In addition, each district should have in place explicit instructions (sometimes called "protocols") for employees to follow if they witness or otherwise learn of specific incidents. A district should also specify the actions school officials should take when they are informed of harassment. A repertoire of options, which consider the age of the student targets and perpetrators, are needed to respond properly and quickly to incidents of varying levels of severity, persistence, and pervasiveness.

Make sure that all administrators and staff understand when and how various response mechanisms should be used. OCR's experience is that noncompliance with federal laws prohibiting discrimination results in large part from the existence of procedures that, though "on the books," are virtually unknown to the majority of students, staff, and administrators. In other cases, the district's procedures for addressing allegations of harassment are not used because students and administrators incorrectly assume that the procedures are applicable only to the most severe instances of physical harm, but not to more common kinds of harassing behaviors. As a result, schools may not respond as required when there is a series of incidents in which each act of harassment, by itself, may not appear severe, but the acts of harassment cumulatively cause a hostile environment. A district's program for addressing incidents of harassment should include the following points.

Encourage students and parents to notify the district when harassment occurs

A key ingredient of an effective program is the ease with which students and parents can let school officials know of their concerns. Students who encounter harassment often feel confused and helpless.[38] Students need to feel comfortable approaching adults in the school about harassment and confident that remedial action will be taken in response.

Allow persons affected by harassment to report the harassment in more than one location to protect confidentiality and ensure impartiality. A good practice is for every building to have at least one person who has expertise in harassment issues to handle complaints of harassment. Encourage individuals of diverse backgrounds and both sexes to serve as complaint managers. Provide a simple form to minimize the need for lengthy written complaints, to focus attention on the critical elements, and to simplify periodic compilation of harassment incident reports.

Provide knowledgeable staff responses to reports of harassment

ADVISE VICTIM OF ALL OPTIONS.
When students express concerns about possible harassment, staff should be prepared to counsel them accurately and appropriately about their options and to identify the employees designated to accept and act on reports of harassment. The complaint should be treated seriously without casting doubt on the complainant's motives. When sexual harassment or harassment based on actual or perceived sexual orientation is alleged, staff should be especially careful to avoid any implication that the student's own behavior invited or provoked the harassment. In order to treat harassment allegations appropriately, all staff, particularly equity coordinators, teachers, counselors, coaches, school nurses, school safety officers, hallway monitors, and administrators who are likely to be informed of harassment, may need specific training.

INTERVIEW VICTIM AND MAKE REQUIRED REPORTS. When harassment is reported, the victim or witness should be thoroughly interviewed about the harassment, and the information obtained should be recorded. A victim of severe harassment, such as a sexual assault, will also need to be interviewed by representatives of other agencies, such as police officers. It is a good idea to explain this to the victim and to try to avoid duplicative interviews by school officials.

Staff at every level should know which school officials to notify of the incident and how to convey such information. Immediate evaluation of the report at the appropriate level of administration will enable the district to evaluate the risks posed by the reported incident and to initiate appropriate response mechanisms. For example, if a potential crisis situation exists, measures such as those outlined in Part II: Addressing Hate Crime should be considered. Depending on the nature of the conduct, the school may need to issue a statement denouncing the harassment or activate rumor control and additional safety measures.

REQUESTS FOR CONFIDENTIALITY. If a student requests confidentiality or asks that no action be taken, the school should inform the student that the request may limit the school's ability to respond and should remind the student of its policies against retaliation. If the student continues to request confidentiality, the school should carefully consider if the request should be honored. Some complaints of harassment can be investigated and resolved without releasing the student's name. In other instances, the school may need to consider whether the confidentiality request will limit its ability to remedy the harassment, or if honoring the confidentiality request will make it difficult for an accused to adequately defend himself or herself.

OCR's Sexual Harassment Guidance encourages schools to honor a student's request that his or her name be withheld, if this can be done consistent with the school's obligation to remedy the harassment and to prevent further harassment of other students. At the same time, the school should evaluate the request in the context of the school's responsibility to provide a safe and nondiscriminatory environment for all students. Factors that may be considered in determining whether the school should honor the request for confidentiality include the age of the student, the seriousness of the alleged harassment, whether there have been other reports of harassment by the alleged harasser, the possibility of harm to other students, and the rights of the accused individual to receive information about the accuser, if a formal proceeding may result. The school should be especially careful in evaluating confidentiality requests accompanying complaints of conduct that may endanger the student or other persons. Schools should explain to students that they may not be able to honor such a request in situations where the student, or other students, are at risk. In any event, schools should seek advice from legal counsel prior to releasing the name of a student, without consent, as the Family Educational Rights and Privacy Act (FERPA) may apply."

Even where not requested, confidentiality regarding the person reporting the harassment should be maintained as long as doing so does not preclude the school from responding effectively. The confidentiality of the injured party, the alleged harasser and any witnesses should be maintained unless release is required to resolve the matter. School districts should notify the parents or guardian of students who allege harassment when the best interests of the student so require. In making a decision as to whether to notify a student's parent or guardian, staff should consider all of the circumstances, including the age and wishes of the student. For example, a student experiencing harassment based on sexual orientation may be dissuaded from reporting the harassment if the student's parent will be notified.

INTERIM PROTECTION. Interim action to protect the target of harassment, such as separation of the parties, may be necessary even before completion of an investigation. An immediate referral to sources of victim assistance, such as a school social worker, psychologist, counselor, or outside agency may be warranted. Persons reporting harassment should be reminded of the rules against retaliation and of the procedures in place for protecting the student from reprisal, including specific information on reporting any retaliation.

Harassment because of association

Recognize that persons who are not themselves members of the group singled out by the harasser's animosity may be harassed. For example, a hostile environment may be created for students who are harassed because of their association with individuals who are members of such groups.

UNWRITTEN REPORTS AND COMPLAINTS. A district should respond to all incidents of reported harassment, even if the student does not wish to file a formal or written complaint. A district should respond to complaints and reports of harassment that are brought to its attention not only by the students who are the immediate targets of harassment, but by student witnesses and parents or guardians and friends of affected students. All reports of harassment and the school's response should be carefully documented.

Require employees to report harassment and to intervene to stop it

REQUIRED REPORTING. The absence of student complaints does not mean that harassment in a school is not occurring. Harassment can be expected to be a part of the school environment unless all school staff are required to report instances of harassment that they are told about or observe themselves. Staff who witness, overhear, or are told about harassment should be told to report such incidents to an official with the authority to take corrective action.

The directive that staff report harassment may be included in the district's written harassment policy and procedures or addressed separately in written personnel policies. In either event, the policy should state the consequences to employees of failing to follow the district's reporting requirements. As in the case of harassment alleged by students and parents, harassment reported by staff must be investigated promptly and responsive action taken.

INTERVENTION TO STOP HARASSMENT. Make clear to staff and building administrators the types of harassment concerns which they should handle themselves and the types which should be handled at a higher level. The school district should train staff how to stop harassment that occurs in their presence. In order for district and school officials to discern patterns of harassment and identify repeat offenders, all incidents should be reported to a district coordinator, including incidents that teachers have handled themselves. Teachers who suspect harassment, but have not observed it or been told about it, should discuss their concerns with the student and, if harassment by an adult is suspected, report it immediately.

MONITOR DISCIPLINE REFERRALS. Some incidents of harassment may come to the school's attention as a result of fights or other misconduct on the part of the target of the harassment as well as the harasser. For example, when racial, ethnic or similar slurs are used in or before a fight between persons of different groups, school officials should determine whether any aspect of the event or the precipitating circumstances are covered by the district's anti-harassment policies. If so, the responses outlined here should be considered and, if appropriate, used.

On-the-spot responses by school staff

The lack of a strong, immediate response by a teacher or administrator who is aware of the harassment may be perceived by a student as approval of the activity or as an indication that the student deserves the harassment.

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MONITOR THE SCHOOL ENVIRONMENT. School administrators may request staff to periodically examine particular environments or activities and report their observations. Harassment more commonly occurs in less supervised or structured settings such as recess, school buses, locker rooms, and hallways. Harassment may also more frequently occur in settings in which only a few students of a certain group are present, such as girls enrolled in a vocational education course.

Custodial staff should be reminded to tell school officials when they find graffiti related to race, national origin, sex, disability, or other kinds of slurs that are of concern to the district, such as slurs related to sexual orientation and religion. In such instances, provide clear instructions regarding removal. (See Part II: Addressing Hate Crime for information regarding preservation of evidence for investigation.)

Also, sexual harassment among students may be so widespread that, without substantial training and regular reminders, neither students nor teachers are likely to report it. Regular monitoring of the school environment will produce information that the school can use to develop prevention strategies.

Make appropriate law enforcement referrals

When school officials receive a complaint or report of harassment that is criminal in nature or that could lead to in-school or out-of-school violence, law enforcement authorities should be alerted immediately. Districts should make known to appropriate administrators the specific types of harassment activity that should be reported to law enforcement authorities. It is advisable to put this policy in writing. A district may wish to designate a particular individual to screen all reports and complaints of harassment to determine if law enforcement officials should be notified. See Part II: Addressing Hate Crime for a full discussion of the circumstances in which incidents of harassment should be reported to law enforcement authorities.

School officials should advise students and their parents of available law enforcement options and sources of outside help. For example, in some states the attorney general might be able to obtain an injunction against further criminal and noncriminal civil rights violations. If the civil rights violation recurs, the perpetrator would be subject to enhanced penalties. Where appropriate, school officials should assist the student or parent to pursue the appropriate relief. However, a law enforcement referral or pursuit of law enforcement remedies by the victim does not alleviate the district's responsibilities to investigate the allegations of in-school harassment and take remedial action.

Investigate all reports of harassment

TYPES OF INVESTIGATION. All reports of harassment should be promptly investigated. The investigation should be undertaken by persons not likely to encounter a conflict of interest.

The type of response and the procedures to be used may depend on a number of factors: whether the report of the incident came from the targeted student or from an observer, such as a teacher; whether the student or parent wishes to file a formal grievance; the reporter's desire for confidentiality; the seriousness of the incident; whether the alleged harasser is a student or employee; the age of the students involved; and whether only an isolated incident is involved or the incident might be part of a pattern of harassment. Related incidents could include other instances in which the target was harassed, either by the same or a different person; instances in which the alleged harasser targeted other students; and instances of harassment, by other perpetrators, directed toward members of the target's group.

A district will probably use its usual procedures for investigating and penalizing student misconduct when a staff person observes specific acts of harassment by one student against another student. When a student or parent files a written complaint, the procedures discussed in Part II: Formal Complaint Procedures should be followed. An informal process of mediation may be appropriate, as long as the parties understand all of the options for resolution.

When a student reports harassment, but refuses to file a written complaint, schools should, at a minimum, initiate an administrative inquiry to determine if other persons are affected and if corrective action is needed. For example, if a

student athlete reports racial harassment on a sports team from teammates, but refuses to file a complaint even after being informed about the district's complaint procedures and prohibition against retaliation, an administrator can still conduct an inquiry to determine whether the team's supervision is adequate and appropriate and identify and address any factors contributing to the reported concerns.

It is advisable for the district's anti-harassment policy or a written protocol to set forth the options for responding to reports of harassment. A chart can be useful to outline the alternative methods of response and the steps involved in each alternative.

SCOPE OF INVESTIGATION. All investigations and inquiries should attempt to identify all of the perpetrators and victims; determine whether there are other related incidents of harassment; identify and evaluate the kinds of present and future damage that may have been caused by the harassment, including harm to the victim, the harasser, and the school environment; and consider all of the other factors necessary for complete corrective action.

Take prompt remedial action appropriate to the offense and the age and identity of the parties

IMMEDIATE, APPROPRIATE CORRECTIVE ACTION. Remedial action by the district should be taken as soon as possible and take into account the severity of the incident and the age and identity of the person harassed and the harasser. Whether the harasser is a student or employee, remedial steps, including discipline, where appropriate, should be calculated to stop the specific harassment and prevent recurrence. If harassment continues, stronger responses should be employed. Schools should consider all of the kinds of actions that will be necessary to fully address the specific problems experienced at the institution as a result of the harassment.

REMEDYING HARASSMENT BY STUDENTS. Where a student commits harassment, punishment of the student is often appropriate. Punishment of the harasser sends a message to the victim and other students that harassment is a serious violation of school rules.

In some school districts, policies against discriminatory harassment will provide for disciplinary sanctions. If the district's anti-harassment policy does not itself contain penalties for harassing behaviors, the policy should cross-reference other policies of the district such as the student discipline code. When a violation of the district's anti-harassment policy occurs, officials may then use the student discipline code to punish conduct under offense categories such as vandalism, obscene or vulgar language, theft, assault, or unwelcome physical contact. The discipline code may contain enhanced penalties for such offenses when the misconduct is motivated by bias. Even if the discipline code does not explicitly provide for enhanced penalties, the punishment administered under the discipline code should be consistent with the severity of the misconduct and consider the extent of harm to the victim and the school community. The discipline code may also identify specific offenses, such as harassment that results in discrimination or a hostile environment based on race, sex, disability, or other specified bases of discrimination.

Districts should be sure that their disciplinary procedures adequately provide for discipline of students who commit unlawful harassment. For example, some schools may have policies that could make it more difficult to punish students for certain offenses unless an adult observed the conduct.

If appropriate, consider that the harasser, as well as the target of the harassment, may need help. An offender counseling program or restitution program may help perpetrators dispel stereotypes, prejudices, fears, ignorance and other contributors to harassment. It may be appropriate to involve the perpetrator in efforts to repair the damage caused by the harassment.

REMEDYING HARASSMENT BY STUDENTS WITH DISABILITIES. Harassment by students with disabilities must also be stopped and recurrence prevented. Schools may use some disciplinary sanctions with such students; however, the corrective action used must be consistent with the laws governing discipline of students with disabilities.[40] In addition, where the student offender's harassing behavior is related to the disability, schools may utilize their evaluation and placement procedures to

consider whether a change in the student's placement or individual education plan is appropriate.

REMEDYING HARASSMENT BY STAFF. When an employee commits harassment, districts should consider the advisability of various kinds of remedial action. The district should be sure that its personnel policies, collective bargaining agreements, and staff codes of conduct are adequate to deal with unlawful harassment by teachers, administrators, and other employees, including provisions for discipline or removal.[41] Where a district employee perpetrates harassment, an apology by the district may be in order. Offender rehabilitation programs may be appropriate. Repeated or serious instances of harassment generally warrant stringent sanctions.

RESTORE A NONDISCRIMINATORY ENVIRONMENT FOR THE VICTIM OF HARASSMENT. Other kinds of remedial action that may be necessary or appropriate to prevent additional incidents of harassment by students or employees include regular observation of the victim's classes and activities; changes in the activity in which the harassment occurred, including increased adult supervision or video monitoring; a transfer or change of school or class assignment for the harasser; exclusion of the harasser from particular extracurricular activities; increased parent involvement; and required sensitivity training, counseling, an apology, community service, and psychological or medical assessment of the harasser.

Even when the district does not know who is responsible for harassment, the district should take reasonable steps to remedy it. For example, if the perpetrator of graffiti cannot be identified, the district can seek to locate new graffiti and remove it (or cover it up and preserve as evidence, as appropriate). Further, the district should consider instituting oversight mechanisms to help it to identify the perpetrator if the graffiti reappears.

The person reporting the harassment should be informed when the district has taken remedial action. Privacy laws may prevent the district from telling the complainant of any sanctions imposed.[42] However, the complainant should be assured that, while the district cannot guarantee the student's safety, the corrective action is calculated to deter future harassment. Tell the complainant how to report any future incidents, and inform the complainant of any changes in procedure or supervision that will be made.

EMOTIONAL AND PSYCHOLOGICAL SUPPORT. Students experiencing harassment may continue to suffer psychological problems, including impaired self-esteem, even after the harassment has ended. Encourage the student and the student's parents to consider treatment, where appropriate. The target of the harassment should be offered school services, such as counseling, or referred to publicly available sources of victim assistance, such as rape crisis centers, state victim assistance agencies, and other victims service agencies in police departments, mental health agencies, and prosecutors' offices.

INSTITUTIONAL REMEDIES. Consider the need for institutional remedies or changes, particularly where a pattern of harassment exists. Institutional remedies could include increased supervision, additional training of students and staff, changes in

Carefully evaluate requests by victim to transfer to another class or school

The burden of ending the harassment should not be placed on the victim. For example, transfer of the victim to another class or school to stop the harassment is rarely appropriate, unless specifically requested by the student. The school should evaluate any such requests to make sure the student understands that other options exist to end the harassment. If the victim nevertheless prefers to be transferred, the school must take steps to prevent repeated acts of harassment by the perpetrator against other students.

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classroom or other school procedures, statements of nondiscrimination issued by school officials, and initiation of curricular and extracurricular programs to reduce prejudice and conflict.[43]

If the district has not been successful in stopping or remedying the harassment using existing options, changes may be needed in other district policies or commitments, such as the discipline code, personnel policies, and collective bargaining agreements.

If the conduct was not sufficiently severe, pervasive, or persistent to violate the district's antiharassment policy, the district should still consider action geared to address the target's concerns to prevent recurrence and indicate that unlawful harassment will not be tolerated. Consider use of an informal resolution process, such as mediation, or the application of other district policies, such as the discipline code, to the acts in question. Also consider whether further sensitivity training is needed for all students in the environment in which the objectionable conduct occurred.

Part II: Step-by-Step Guidance

Creating a Supportive School Climate that Appreciates Racial, Cultural, and Other Forms of Diversity

By themselves, written anti-harassment policies and complaint procedures will not stop or prevent harassment. Bona fide efforts to eliminate harassment from the school's programs and activities require planning, coordination, training, accountability, and supervision. Broader educational efforts are typically necessary to establish an environment that respects individual differences and promotes appreciation of racial and cultural diversity. Instructional and student activity programs provide schools with the opportunity to heighten students' awareness of the dangers of prejudice and harassment, ameliorate antagonisms or fears, counteract stereotypes, enrich student relationships, and prepare students to be positive participants in a diverse adult society.

The following activities are crucial to establishing a climate that deters harassment and supports positive responses to diversity.

Provide ample information about the anti-harassment program

PUBLICIZE THE POLICY. Adequate notification to the school community of the district's anti-harassment policy and grievance procedure is crucial to effective enforcement. For the district's policy and procedures to be viewed as standard practice, they must be widely and regularly disseminated. The school district should consider publicizing the adoption of the policy in school assemblies, in the news media, and in public events. Relevant policies and procedures should be made available in alternative formats for individuals with disabilities and provided, in a meaningful manner, for persons who are not proficient in the English language.

POST A SUMMARY. A short summary of the district's anti-harassment policy and complaint procedure, written in easy to understand language, might be regularly printed in district publications, including student publications and special pamphlets, and be posted prominently at each school. This summary should identify the forms of harassment prohibited by the district, specify the personnel to contact for further information, and explain the availability of the grievance procedures.

EXPLAIN THE PROCEDURES. Fully explain to students, parents, and staff how to identify prohibited harassment and how to use the complaint procedures. New students and their parents as well as new staff should be specifically notified of these policies and procedures. In addition, the district should consider the best ways to remind students, parents, and staff of the availability of the procedures and to instruct students and staff on their application in age-appropriate ways. Consider ways in which community centers, health providers, social service and child welfare agencies, and juvenile and police authorities can be notified about the district's policies and procedures.

Invest in training of school board members, administrators, and staff

PROVIDE TRAINING APPROPRIATE FOR ROLE. Introductory and ongoing training of all school employees and agents that is appropriate to their role in the district's program is essential to an effective program. School board members should receive training as the district begins to assess its need to adopt or modify its anti-harassment policy and procedures. School staff, including coaches and school security officers, should receive information and training on the policies and procedures as soon

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Notify third parties of their obligations

Make sure that third parties covered by the district's anti-harassment policy are notified of its provisions, including operators of job training sites, vendors, contractors, and school visitors.

as they are adopted through staff meetings, staff orientation, and similar activities. Non-instructional staff should receive training appropriate for their functions. For example, bus drivers and bus aides should receive training on ways to report, correct and prevent harassment on transportation routes. Staff most likely to be told by students about harassment, such as equity coordinators, counselors, social workers, school security officers, school nurses, and school disciplinarians, should receive special training.

TRAIN EMPLOYEES TO INVESTIGATE COMPLAINTS. Personnel designated to handle harassment complaints and all school disciplinarians should receive extensive training on investigating and resolving harassment complaints and concerns. Supervisors may need specialized training in dealing with situations in which employees are alleged to have harassed students.

TRAIN STAFF TO STOP HARASSMENT. When possible, staff should receive training focused on different types of harassment, e.g., sexual harassment, harassment based on race or national origin, and harassment based on disability. Most training materials are geared toward one of these broad types of harassment, as each type involves unique features and different victims and perpetrators. Training should include methods for on-the-spot intervention to stop and prevent harassment.

EDUCATE EMPLOYEES ON DIVERSITY PRINCIPLES. In addition to training specifically designed for implementing an anti-harassment program, the district should consider diversity education as part of its long-term training and professional development program. Look for opportunities to deepen the understanding of teachers and other employees of diverse cultural attitudes and behaviors, racial and sex stereotyping, and the types of problems faced by students at school and in the community. Staff should be trained to provide curricular and extracurricular programs and activities for students that reduce prejudice and resolve conflicts. The district may wish to invest in in-depth training of selected individuals to develop expertise and serve as resources for the district. Numerous resources are available that can help districts to meet these needs.

Educate students about harassment and discrimination, and involve them in prevention activities

STUDENT RIGHTS AND RESPONSIBILITIES. In addition to publicizing their policies and procedures, districts usually need to educate students regarding their basic rights and responsibilities. Training should enable students to identify harassment, understand its causes and effects, learn methods of opposing harassment, and feel more comfortable reporting instances of harassment. Separate training sessions may be devoted to different types of harassment.

PREJUDICE REDUCTION CURRICULA. Districts should also consider more extensive educational programs that sensitize students to diversity issues, foster understanding of others' points of view, and help students to overcome misconceptions and biases. Include prejudice reduction and sexual respect concepts in the regular curriculum. Use curricular materials and visual displays in school that present positive, unbiased images of individuals from diverse backgrounds. Numerous, excellent materials and curricula on sexual harassment and prejudice reduction are available from many sources without charge. For sources of such programs, see Appendix E of this Guide.

STUDENT ACTIVITY AND MEDIATION PROGRAMS. Involve concerned students, includ-

ing student leaders, in activities geared to making harassment socially unacceptable and to foster social interaction of diverse groups outside of the classroom. Some observers have noted that a more positive school climate for all students can come about through routine, open communications between students and school officials regarding issues of harassment and discrimination.[55]

Some school districts have successfully trained students as mediators to resolve personal conflicts. Train student mediators about harassment issues. Carefully consider whether it is appropriate to use student mediators in cases of alleged sexual harassment. Foster student leadership clubs and peer education activities to address persistent and pervasive negative attitudes and behavior.[56] Participate in national and regional organizations that support conferences and other efforts by middle and high school students to combat prejudice and intolerance in their own schools.

Implement monitoring programs and prevention strategies

ASSESS CONCERNS. To determine the district's need for various kinds of programs and activities and to assess the effectiveness of the programs adopted, a district or school self-assessment is necessary. Tools for self-assessment include questionnaires to be completed by students, parents and staff, on a voluntary and anonymous basis. Such questionnaires will help to expose underlying conflicts among students, including possible antipathy toward recent immigrants; the frequency and severity of sexual harassment; perceived inequities in treatment by school personnel; and other underlying attitudes and stereotypes which, if not addressed, can lead to students dropping out of school, discipline difficulties, reduced academic achievement, and instances of racial or sexual violence. Parent permission is advisable if students are questioned about their experiences and attitudes. School districts should consult with legal counsel before conducting a formal survey of student opinions and experiences. Alternatively, convene open meetings at which students and parents can voice their concerns.

CONSISTENTLY ENFORCE DISCIPLINE RULES. Districts should consider the relevance of their overall discipline policies to the maintenance of a positive school climate for all students. Creation and consistent enforcement of disciplinary rules forbidding obscenity, disrespectful language, vandalism, and harassment offers a means of protecting students from harassment of all kinds, of setting an appropriate tone in the schools, and of punishing acts of racial and sexual harassment that, looked at alone, may not rise to the level of prohibited conduct under the district's anti-harassment policy. Make sure that discipline rules are fairly applied without regard to race, national origin, sex, or other discriminatory factors.

EXAMINE THE SCHOOL ENVIRONMENT. Regular, focused observation of school activities and environments, especially less structured settings like school hallways and school buses, will identify harassment that staff may neglect to report. It is possible that, in some instances, harassment may be so widespread that no one actually reports it. Periodically examine the school site and furniture for racially and sexually derogatory graffiti.[57]

Monitor possible trouble spots in the school for incidents of hostility and harassment. For example, ensure that students of racial and national origin minority groups and both sexes who drop out of courses and activities in which they are underrepresented have not been subjected to harassment.

APPLY PREVENTION STRATEGIES. Discuss with faculty advisors and student leaders involved in school plays, newspapers, elections, and yearbooks the harm that can result from thoughtless jokes or ridicule and ways to avoid needless damage to the school environment.

Some schools have adopted instructional intervention programs to handle relatively minor incidents of conflict or harassment that stem from ignorance or misunderstanding and that might better be considered opportunities for teaching appropriate behavior rather than punishment.[58] Consider whether the district could benefit from such approaches.

Many sources of expertise are available without charge, including the agencies and organizations

Define compliance coordinator's duties

Functions of the compliance coordinator generally include: (1) informing top school officials of complaints and reports of harassment; (2) investigating complaints and/or advising and assisting other personnel to handle complaints and reports of harassment properly; (3) maintaining and analyzing documentation of all harassment incidents covered by the anti-harassment policy; (4) regularly reviewing the effectiveness of the district's efforts to correct and prevent harassment and proposing improvements; and (5) regularly assessing the effectiveness of training for staff, administrators, students, and parents and proposing improvements.

listed in Appendix D. Observe or obtain information about promising practices in other schools.

Involve parents and community members in anti-harassment efforts

Establish community partnership programs to combat harassment and prejudice in the school and community and consider workshops and other activities to increase parent and family involvement.

Use materials such as plays, speakers, films and videos to help the school community understand harassment and the consequences of failing to overcome it. Use materials appropriate to the age, family relationship, language and culture of the reader. Materials are available, often without charge, from the sources listed in this Guide.

Appoint one or more employees to coordinate district's anti-harassment activities

LEGAL REQUIREMENTS. The regulations implementing Title IX, Section 504, and Title II of the ADA require school districts to appoint an employee to coordinate the district's compliance under these statutes.[59] The regulations require that the name, address, and telephone number of the coordinator be periodically announced in district publications. The appointment and training of one or more skillful coordinators will be key to the success of the district's anti-harassment program.

Although not required by federal law, consider the appointment of an individual to coordinate the district's activities to address racial and national origin discrimination, and other types of harassment and discrimination covered by the district's policy.

The district should expect the coordinator(s) to take an active part in promoting nondiscrimination and developing or coordinating strategies to prevent and correct harassment. Consider appointing an administrator with known interest and expertise in the area. If the coordinator is not knowledgeable in the area, substantial training should be provided.

Consider the advantages and disadvantages to appointing personnel to serve as coordinator in more than one area of harassment. Consider diversity factors, time constraints, personal interest and expertise, possible joint activities, and similar factors.

Make sure that the coordinators have adequate time and support to effectively execute their duties and that the coordinators are encouraged and allowed to share information regarding district needs with district administration.

Maintain an adequate record-keeping system, and regularly evaluate the data collected

In order to ensure that its policies and procedures are consistently followed, a school will normally need to create and maintain documentation of all harassment incidents, including notations as to how the harassment was addressed. The record-keeping system should be sufficient to allow the district to monitor district schools for repetition of harassing behaviors and to determine if institutional remedies are needed to address patterns of harassment and prevent future incidents.

The system of documentation should incorporate all incidents of harassment that come to the

Fully document all instances of suspected harassment

Documentation of harassment incidents should include the name, age, race, national origin, sex, and disability status, as relevant, of the victims and harassers, the names of witnesses, a description of the incident, information on the severity of the incident, when and where the incident occurred, the relationship of the incident to other incidents of harassment, the names of personnel conducting the investigation, any findings made, and any corrective action taken. Harassment may be related to more than one prohibited basis, e.g., race and national origin or sex and race. In such instances, all bases of the harassment should be recorded.

district's attention, not only formal complaints of harassment.

The record-keeping system should be centralized and kept in a secure place. Records may also be kept in a secure location at the building level for ready reference by authorized persons. Specific individuals should be assigned and trained to maintain the records involved. A written description of the record-keeping system may be helpful.

Districts should consider establishing a process to track and analyze harassment reports and to regularly evaluate all aspects of the district's anti-harassment program. The review could be assigned to the compliance coordinator. A committee of employees, parents, and others, including the coordinator, could also perform this function; however, care must be taken not to reveal personal information about the individuals involved in the incidents to unauthorized persons. Data regarding the frequency, severity and types of harassment occurring, staff compliance with the policy, and effectiveness of various remedial actions should be reviewed. The review should be followed by specific actions to address any shortcomings identified. Although the goal of an effective anti-harassment program is to prevent or reduce the incidence of harassing behaviors, schools should anticipate that, due to the heightened awareness of the school community, a new anti-harassment program may result in an increased incidence of reports and complaints.

Legal FAQs

The following are questions that have come up frequently from teachers during past workshops. The answers to some of these questions are provided, but the answers to others depend on local laws and district policies which you may wish to investigate before the workshop.

Can I mention the words gay or lesbian in my classroom?

Local policy governs what a teacher may and may not "teach" in her classroom, but simply using the words "gay" or "lesbian" in an accurate manner should be permitted. Check the school district policies on health curriculum or related topics involving sexuality to see if the school has any specific guidelines about discussing sexual orientation or homosexuality. So long as the teacher's use of the words falls within the district's general curricular policies, the answer should be yes.

May I teach a lesson on gay and lesbian issues if I want to?

Again, you have to check the local curricular policies to be able to answer this question. The school maintains control over what may and may not be taught, and it is best for a teacher to tell his or her administrator what he or she plans to teach and to have it approved in advance. Teachers do not have constitutional rights of "academic freedom" that permit them to select curriculum on their own, outside of what the district has approved. (Some teachers may have union contracts that provide limited rights of academic freedom, however.)

Many districts require that a teacher receive permission from school administrators before they teach anything that may be perceived as "controversial." Sometimes schools also have policies – typically as part of the health curriculum – governing how a teacher must address gay or lesbian issues.[1] If a teacher does teach a lesson related to lesbian and gay issues, there may be parental notification requirements. All of these policies are locally controlled and may vary from district to district.

My school administrator forbids teachers from coming out to other members of the school community, including other teachers and students. She believes that a teacher's sexual orientation is private and should be kept private. Can she forbid teachers from coming out?

Generally speaking, a school may not forbid a teacher from coming out to another member of the school community when he or she does so outside the classroom. Inside the classroom, however, a school may forbid a teacher from discussing his personal affairs. If the school adopts this rule, though, it must enforce it with an even hand, i.e. it must treat gay and lesbian teachers and their heterosexual counterparts equally, as a general rule. For example, if a school forbids gay and les-

1 Some school district policies governing the treatment of homosexuality in the curriculum either forbid discussion of homosexuality at all, or forbid any discussion of it in anything but a negative light. These kinds of policies may not be constitutional under the First Amendment. If you come across such a policy, you should contact the Lesbian & Gay Rights Project. We can work with you to encourage the school district to revise its policy because it may undermine efforts to make the school safer for lesbian and gay students, and because it may have constitutional deficiencies.

bian teachers from discussing their lives outside of work, then it must do the same for all teachers, including heterosexual ones.

With respect to a conversation with a student (as opposed to another member of the school community), it is unclear whether a school has broad authority to regulate what a teacher may say, even when the conversation with the student occurs outside the classroom.

Our school is getting more progressive on gay and lesbian issues but we have some parents who are threatening to pull their students out of classes where anything about it might be said. Can they do that?

Local school district policies are the first place to look to answer this question. Consult the district's parental notification standards and the local policies on parents' rights to opt out of classes to which they object. Different localities have different requirements about whether teachers have to inform parents of the content of potentially controversial lessons, and about when or whether they permit parents to remove their children from certain lessons. If the parents are threatening to remove or transfer their children just because the instructor is lesbian or gay, however, schools should not permit the transfer.

A "questioning" student came to me looking for referrals and reading material addressing lesbian, gay, and bisexual youth. Can I get in trouble for providing it to him/her?

The law is very unclear in this area. If the conversation with the student is outside of classroom time or any school-sponsored activities, then teachers should be able to have personal conversations with students that are appropriate and responsible without the school being able to restrict them. However, the school has quite a bit of latitude to restrict the information that teachers can give students in their capacity as teachers representing the school, and resources about sexual orientation could be forbidden for a teacher to provide outside the approved health-related curriculum. It is always a good idea to ask an administrator before taking any action that a teacher fears may be cause for a parent to object. The teacher might also want to check the school library to see if any materials are available to the student there.

The administration last year refused to allow some students who wanted to form a "gay-straight alliance" to have their club recognized. Can they do that?

If other non-curricular clubs are permitted at the school, then the administration cannot deny access to the gay-straight alliance. The federal Equal Access Act, 20 U.S.C. § 4071, requires that if the school permits any clubs to meet that are not directly related to the curriculum, it must allow all clubs to meet on an equal footing. The school may, however, choose only to recognize clubs that are "curricular" – closely related to actual courses taught or fields of study in the school. If the school restricts clubs to those that are curricular, it is not required to allow the gay-straight alliance to meet.

I happen to know that a student in one of my classes is being threatened by his parents because he is gay – I think they may be hitting him, and they have threatened to throw him out of the house. Do I have any obligation to intervene?

State law governs the teacher's duty to intervene, or to report, if he suspects that a student may be the subject of abuse or neglect by a parent for whatever reason. It is a good idea to suggest to the teacher that there are resources available for gay and lesbian kids in crisis. [See "The Handouts"]

Last year, two female students signed up to go to the prom together as dates. Suddenly the school had a rule that students had to attend in boy-girl couples, or singles. Is that legal?

No. A student in Rhode Island sued in 1980 after his school refused to let him attend the school with a male date, and he won. The court concluded that unless the school had a solid basis to believe that a same-sex couple would cause "severe disruption" to the school environment, it had to permit everyone to attend with their chosen dates. The court even required the school to provide security in case the couple was harassed. Also, under Title IX the school is forbidden from discriminating on the basis of sex in its invitations to the prom.

Memo for Attorneys

Laws Available to Address Anti-Gay Harassment
ACLU Lesbian & Gay Rights Project, 2002

In-school harassment of lesbian, gay, and bisexual students, and those perceived as lesbian, gay, or bisexual is broadly governed by two federal laws: Title IX of the Education Amendments of 1972, and the Equal Protection Clause of the United States Constitution. Another federal statute, the Equal Access Act, ensures nondiscriminatory treatment of student clubs, including gay-straight alliances. The first section of this memo briefly outlines the provisions of those federal protections and major cases interpreting schools' duties.

In addition to federal law, several state laws and policies may be relevant to a claim of anti-gay harassment in school. The second section outlines some types of state laws that can provide a basis for promoting nondiscrimination policies and addressing anti-gay environments.

Federal Laws

I. Title IX (20 U.S.C. §§1681 - 1688)

Title IX is a federal statute which bars discrimination on the basis of sex in educational programs which receive federal funding. It applies to all schools that receive federal funding, both private and public, from pre-school through universities and graduate school. Single-sex schools and religious schools are exempted from certain requirements, but are still generally covered.

While Title IX does *not* prohibit discrimination on the basis of sexual orientation, its proscription against sex discrimination can be effective in combating some forms of harassment aimed at students who are perceived as lesbian, gay or bisexual.

A. Standards of liability for peer harassment

In 1999, the Supreme Court ruled that school districts can be held liable to individuals for damages under Title IX if they fail to respond to known sex-based harassment perpetrated by students against other students. Davis v. Monroe Co. Sch. Bd., 143 L.Ed.2d 839 (1999). The standard for holding a school liable for damages to the affected individual, however, is high. Several elements must be met:

1. Actual notice

The school district must have actual notice of the hostile environment caused by the peer harassment. Constructive notice is not sufficient. See Gebser v. Lago Vista Independent School Dist., 524 U.S. 274, 283 (1998).

2. Appropriate school official

The individual or body with actual notice of the harassment must possess the authority to

take action to end the harassment. See Gebser v. Lago Vista Independent School Dist., 524 U.S. 274 (1998). This will vary from district to district, depending on the authority of certain jobs. Notice of actual harassment to the principal or directly to the school board or superintendent is the best way to make sure that individuals with sufficient authority know about the problem.

3. Deliberate indifference

For a school to be liable in damages for a violation of Title IX, it must respond to known harassment with "deliberate indifference." See Gebser v. Lago Vista Independent School Dist., 524 U.S. 274 (1998). A showing that the school district was aware of the problem and took no action to remedy it will likely constitute deliberate indifference. If, however, the school took some action to address the problem, even if it was ineffective in stopping harassment, deliberate indifference may be more difficult to establish. School officials' actions that were "clearly unreasonable in light of the known circumstances" show deliberate indifference. Davis, 143 L.Ed.2d at 857.

4. Denial of educational opportunity

Sex discrimination must rise to the level at which it effectively bars the victim's access to an educational opportunity or benefit before a school may be held liable for damages. Davis, 143 L.Ed.2d at 859. Evidence that the student frequently missed classes or skipped school out of fear of harassment, that he or she could not concentrate and so his or her grades plummeted, or that he or she had to transfer to a different program or school can be evidence of a denial of educational opportunity.

B. Application to anti-gay harassment

Title IX only addresses sex discrimination. Regulations from the U.S. Department of Education's Office of Civil Rights (which enforces the statute), however, make clear that the sex discrimination prohibited includes sexually hostile educational environments created by conduct of a sexual nature. Harassment aimed at students because of their perceived sexual orientation often includes such offensive sexual conduct. The regulations explain:

> Although Title IX does not prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian students may constitute sexual harassment prohibited by Title IX. For example, if students heckle another student with comments based on the student's sexual orientation (e.g., "gay students are not welcome at this table in the cafeteria"), but their actions or language do not involve sexual conduct, their actions would not be sexual harassment covered by Title IX. On the other hand, harassing conduct of a sexual nature directed toward gay or lesbian students (e.g., if a male student or a group of male students target a lesbian student for physical sexual advances) may create a sexually hostile environment and, therefore, may be prohibited by Title IX.

62 Fed. Reg. 12033, 12039 (1997).

The statute also prohibits discrimination that is based on sex stereotyping. Often, harassment targeted at lesbian, gay or bisexual kids includes epithets or mistreatment directed at the stu-

dents' perceived failure to meet gender stereotypes. For instance, students may tease a boy by calling him a girl or a sissy, or teachers may tell a girl she should paint her fingernails and grow out her hair to be more feminine and thereby avoid harassment. These are all ways of enforcing sex stereotypes that can constitute sex discrimination prohibited by Title IX.

In 2000, a federal district court in Minnesota found that a gay student had a claim under Title IX because "he suffered harassment due to his failure to meet masculine stereotypes." Montgomery v. Independent Sch. Dist. No. 709, 109 F. Supp. 2d 1081, 1092 (D. Minn. 2000).

C. Enforcement mechanisms

Title IX permits a private right of action on the part of students for money damages. Franklin v. Gwinnett Co. Public Schools, 503 U.S. 60 (1992). While there are no administrative exhaustion requirements for filing suit, students should afford themselves of whatever internal complaint procedure exists at their school. The statute requires schools to adopt and publish effective grievance procedures for resolving complaints of sex discrimination, including sexual harassment. Use of the internal procedure helps to establish that the school had notice of the problem and to document its response (or lack of one).

Alternatively, enforcement power lies with the Office of Civil Rights (OCR) of the Department of Education, which has the power to initiate investigations upon receiving a complaint. The administrative enforcement procedure is an attractive alternative to a private lawsuit because many of the high standards applicable to individual damages claims are less stringent in the context of enforcement by OCR. Anyone may file a complaint, which should be directed to the local state OCR office. The deadline for filing a complaint is 180 days from the last act of harassment or discrimination, but may be extended if the complaint went through internal grievance procedures.

The OCR can investigate the school's policies and procedures for responding to complaints of sexual harassment, its action on the particular complaint, and the overall environment in the school. If the OCR finds a violation, it has the power to cut off federal funding to the school. As part of a settlement, it can require policy changes and measures designed to end discriminatory practices, such as anti-harassment training of school personnel. Notably, though, if the OCR enforces the statute on behalf of an affected student through an investigation and settlement, it does not have the power to collect damages for the student.

The OCR has negotiated settlements in the past on behalf of gay students who were harassed because of their sexual orientation and their gender, and those settlements have included policy changes and mandatory training of school personnel.

II. Equal Protection

The Equal Protection Clause of the United States Constitution also protects students in public schools from discrimination. In the landmark case involving a gay student who was severely harassed in Wisconsin, the Seventh Circuit Court of Appeals held that the Equal Protection Clause may be violated when students are severely harassed for being gay and the school takes no meas-

ures to stop it. Nabozny v. Podlesny, 92 F.3d 445 (7th Cir. 1996). Jamie Nabozny, the plaintiff in that suit, won $900,000 in damages from his school to compensate for the harassment he suffered.

The equal protection clause may be implicated in two ways. First, although sexual orientation is not a "suspect classification" for equal protection purposes, the state still must have a rational basis for discriminating against lesbians or gay men. Romer v. Evans, 116 S.Ct. 1620 (1996). When considering Jamie Nabozny's equal protection claim, the Seventh Circuit put it well: "We are unable to garner any rational basis for permitting one student to assault another based on the victim's sexual orientation, and the defendants do not offer us one." 92 F.3d at 452.

Second, if the school's response to sexual harassment directed at a boy perceived as gay is different from its response to sexual harassment directed at a girl, the school is probably discriminating on the basis of sex. Classifications based on sex must have an "exceedingly persuasive justification" under the equal protection clause. Again, it is hard to imagine such a strong justification for a school's differing treatment of the two complaints.

III. Equal Access Act (20 U.S.C. §§4071-4074)

Students who wish to form gay-straight alliances – often a powerful tool to address anti-gay attitudes in schools – sometimes encounter resistance from school officials. Federal law requires that they be treated the same as other non-curricular groups.

The federal Equal Access Act requires that a public secondary school which provides a meeting place during non-instructional time (or access to other school facilities) to any voluntary, student-initiated, non-curricular club must provide the same meeting facilities to all non-curriculum related groups. By allowing any non-curriculum related group to meet, the school facilitates an "open forum" for student group activities. That forum must be available to all on an equal footing, regardless of the content of the group's meetings.

Cases addressing the Equal Access Act have focused on what is defined as a "non-curricular" club that triggers the protections of the Act. In Mergens v. Westside Community School Dist., 496 U.S. 226 (1990), the Supreme Court opted for a broad definition of non-curricular as "any student group that does not directly relate to the body of courses offered by the school." Factors include whether the subject matter of the club is taught in a course offered by the school, or in the body of courses as a whole, or whether participation in the club is required for a course or can provide course credit.

Most school districts provide facilities to student-initiated, non-curricular groups, whether it be the chess club, the bowling club, or Students Against Drunk Driving. When they do, they are required under the Equal Access Act to provide facilities to the gay-straight alliance, as well.

State Laws

State and local laws and policies can also be a source of protection for youth who are targets of anti-gay harassment. At the state level, consider whether your state includes sexual orientation in its nondiscrimination law. If it does, check to see whether it covers students or schools.

At least seven states – California, Massachusetts, Connecticut, Wisconsin, Minnesota, Washington, and Vermont – have specific protections against sexual orientation discrimination or harassment for students as part of their statewide education codes. If your state or school district does not explicitly protect against sexual orientation-based discrimination or harassment, it may have a general provision in the education code entitling all students to a safe educational environment. These general laws can be useful tools in requiring educators to take action against anti-gay harassment.

State ethical codes for teachers can also be a source of protection. At least four states – Alaska, Connecticut, Florida, and Pennsylvania – expressly oblige teachers, as a condition of maintaining their licenses, not to discriminate against students based on sexual orientation.

Finally, state tort laws, as well as criminal laws, are always available where incidents of harassment rise to those levels.

School Policies

Many schools and school districts have nondiscrimination and anti-harassment policies that include sexual orientation and gender identity. The best way to prevent harassment and discrimination is to make sure that everyone in the school community understands that these things are not allowed. Including sexual orientation and gender identity in district policies will help to send that message.

School districts must strike a balance between anti-harassment policies that adequately protect students from harassment but do not limit students' First Amendment rights. In 2001, a federal court overturned one school district's policy because it restricted student speech that did little more than cause hurt feelings. Saxe v. State College Area School Dist., 240 F.3d 200 (3rd Circuit, 2001). The ACLU uses model policies that strike the right balance and should pass any court's scrutiny. Attorneys at the ACLU Lesbian & Gay Rights Project can help draft policies – call 212.549.2627.

ACLU Model Anti-Harassment Policy

The _____ School District is committed to providing all students with a safe and supportive school environment. Members of the school community are expected to treat each other with respect. Teachers and other staff members are expected to teach and to demonstrate by example that all members of the community are entitled to respect.

Harassment of a student by another student or by a teacher or other staff member is a violation of school policy. This includes (but is not limited to) harassment based on race, national origin, marital status, sex, sexual orientation, gender identity, religion, or disability. Punishable harassment is conduct, including verbal conduct, (1) that creates (or will certainly create) a hostile environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being; or (2) that is threatening or seriously intimidating.

Sexual harassment is a form of harassment that also violates school policy. Punishable sexual harassment is an unwelcome sexual advance or sexual conduct, including verbal conduct, (1) that is tied

to a student=s educational benefits, opportunities, or performance, or to a student's physical or psychological well-being; (2) that creates (or will certainly create) a hostile environment by substantially interfering with a student=s educational benefits, opportunities, or performance, or with a student's physical or psychological well-being; or (3) that is threatening or seriously intimidating.

To prevent harassment in the first instance, staff members should teach – teach why harassment is wrong and teach that tolerance and respect are essential to a free society. In response to an act of harassment, staff members should intervene immediately to stop the harassment and, if appropriate, should punish the harassment promptly, consistently, and proportionately to the seriousness of the act. But the response should not end there; rather, staff members should deter future harassment with continuing lessons of tolerance and respect.

Note: Schools should develop and publicize rules that explain how harassment can be reported and how reports of harassment will be handled. In some cases, schools are required to do so by federal law. These rules should require staff to report harassment to a designated school official; should prohibit retaliation against anyone who reports harassment; and, to the extent possible, should protect the confidentiality of anyone who is involved in a report of harassment.

ACLU Model Nondiscrimination Policy

The _____ School District is committed to equal opportunity for all students and all staff.

It is District policy that no one shall be treated differently, separately, or have any action directly affecting him or her taken on the basis of race, religion, national origin, marital status, sex, sexual orientation, gender identity, or disability where a person is otherwise qualified or could be with reasonable accommodation.

The immediate remedy for any act of discrimination shall be to end it, treat the individual equally, and, as much as practically possible, to eradicate any effects of discrimination. Discipline should be imposed where appropriate.

The Rights of Gay and Lesbian Students

Reprinted below is the presentation given at anti-harassment workshops by Kelli Evans, former staff attorney at the ACLU of Northern California, addressing legal issues surrounding anti-gay harassment in schools. It is provided here as an example for attorneys of how to approach schools' legal duties to end harassment, from a lay standpoint.

A Speech by Kelli Evans

In many ways, discrimination against gay and lesbian youth is one of the last acceptable forms of discrimination in our public schools. While most teachers and school administrators understand and fulfill their duty to foster schools free from racial and gender discrimination or bias, many do not understand that they must also maintain schools free from sexual orientation discrimination and bias. Recently, I represented a student who attends a small high school in the Central Valley. Last year, the student came out of the closet. Once he came out, he endured daily taunts, epithets, and threats of violence from fellow students, which went unaddressed by teachers and administrators. Much of the harassment occurred in the presence of adults who did not intervene. Not only did the adults tacitly endorse the environment of intolerance by failing to intervene, on several occasions, they overtly contributed to it.

For example, one teacher called the student "Jeffrey Dahmer," referring to the infamous serial killer who sexually assaulted male victims. Another teacher told the student that he had a "problem" and should come to her church in order to speak to her pastor. The student's counselor told him that "according to the Bible" he would "burn in hell." Meanwhile, the principal told the student's mother that the student brought the treatment on himself by "advertising" his "sexual preference." James is an incredible young man with a lot of guts. School officials went ballistic when, in the face of all the harassment, he showed up at school wearing a t-shirt saying "No One Knows That I'm a Lesbian." He was pulled into the principal's office where several school officials frantically searched the school's dress code to find a justification for banning the shirt.

As a result of the constant harassment and lack of support, the honor student's grades and attendance plummeted. Unfortunately, this student's experience is not unique. One of my colleagues sued a school system that allowed anti-gay harassment to escalate to such a point that a group of students went so far as to use a broomstick and perform a mock rape on a gay student. The school's response to the rape? "Boys will be boys." Recently, in the first federal court decision dealing with school-based discrimination against a gay or lesbian young person, the court decided that these school officials had violated the student's constitutional rights and were legally liable for their actions. (Nabozny v. Podlesny, 92 F.3d 446 7th Cir. 1996). On the eve of a jury trial to determine damages, the school district agreed to pay the student nearly one million dollars.

In a nationwide survey of over 900 gay and lesbian youth, the Gay, Lesbian, and Straight Education Network (GLSEN) found that 69% reported verbal harassment, 65% reported sexual harassment, and 42% reported physical harassment.

Fundamentally, the rights of gay and lesbian students can be boiled down to one simple principle: gay and lesbian students, like all other students, have the inalienable right to attend campuses

which are safe, secure, and peaceful. In fact, this "inalienable right" belongs to all students and staff of public schools in California. This language comes directly from our state constitution. In addition, the California and United States constitutions require public schools to extend equal protection to gay and lesbian students. To the extent that the students I described a moment ago were treated differently from heterosexual students, they were denied by school officials the right to equal protection. In the case involving the mock rape, the court found it significant that the school responded to other types of harassment and discrimination complaints, but failed to respond to the gay student's complaints.

California law requires public schools to protect lesbian and gay students from harassment and violence. This means that the school officials have a few specific duties:

1. Duty to prevent harassment and discrimination from occurring in the first place (education, enactment and enforcement of anti-discrimination policies).

2. Duty to intervene and offer support to students who are harassed or discriminated against.

The law also prohibits teachers and administrators from discriminating against gay and lesbian students. Because teachers, administrators, and school districts have a clear duty to adequately supervise students while they are at school, adults can be held liable – and have to pay monetary damages – if students are harmed. In some instances, school officials may even be held liable for harm to students that occurs off campus when they have improperly supervised the students during the school day.

The Education Code specifically gives school administrators a tool for dealing with anti-gay harassment and violence at school. Principals may suspend or recommend expulsion of any student who causes or attempts to cause an act of hate violence – the definition of hate violence in the statute explicitly includes bias based on sexual orientation. I'm not a proponent of suspension or expulsion, but in extreme cases, this is an option. I recommend educating students and staff about hatred and violence as the primary, and probably most effective way of dealing with bias.

Everything that I've discussed today is really very basic. As educators, you know that it's virtually impossible for young people to learn and develop properly if the school environment is a hostile one. Thus, issues related to school based harassment and bias not only have significant legal ramifications, they have even greater educational ramifications for students.

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MAKING SCHOOLS SAFE: LESSON PLAN FOR THE WORKSHOP

"The Lesson Plan" is a step-by-step guide for trainers to follow in conducting a "Making Schools Safe" workshop. It begins with a sample agenda and goes on to provide an outline of each segment of the two-and-a-half hour presentation. The plan is flexible and can be tailored in whatever way you think is best for your particular location and audience. To make it easier for you to tailor your own workshop, the sections are divided and assigned to one of the presenters (noted in brackets). For example, you could simply take the attorney portion and add that to an existing safe schools training program by copying the [attorney] section of the agenda and the accompanying resources in "The Tools" section of this book.

Sample Agenda

9:30 a.m.	Welcome by Principal
9:35	Introduction by school official or Making Schools Safe organizer • Why this issue is important: the importance of safety, not morality • What we heard from responses to the survey about peoples' goals for the training / what we will cover • Establish groundrules • Introduce panelists
9:40	"Visual survey" [teacher]
9:45	Review of Basic Vocabulary [teacher]
9:50	Video: *It's Elementary* (Segment 1) [teacher] • Discussion: Where do we get our images?
10:05	Video: PSAs on suicide and violence [teacher] • Discussion/reactions to video • Go over statistics on risks for lesbian, gay, bisexual and transgendered students
10:15	Student presentation [student]
10:35	Break
10:40	Discussion – reaction to student [teacher] • Is there a problem at our school? • How can we address name-calling at our school? • How can we establish safe classrooms? • How can we make the school environment safe?

10:50	Video: *It's Elementary* or *Teaching Respect for All* [teacher] • Example of how a classroom discussion can be led • Discussion: openly talking face to face is the key to changing students' behaviors
11:05	Legal issues – overview by attorney [attorney]
11:15	Scenarios – break down into groups of 5 [teacher] • Name calling • Class question • Angry parent
11:30	Groups report back on their responses to scenarios; discussion [teacher]
11:45	Next steps [organizer] Review of packet Evaluations Handouts

Checklist for workshop:

Agendas for presenters
Responses to survey distributed ahead of the workshop
Student handbook
Any other relevant school policies
Packets of materials to distribute to participants
Scenarios you have prepared in advance to pass out
Videos
Posters, bumper stickers, fliers, books (if any)
Evaluation forms (if desired)
Flip chart and markers
TV monitor and VCR

Lesson Plan

1. Introduction by Principal

The Principal (or highest-respected staff person) should be the first one to speak after everyone has gathered, to underscore the message that this workshop is sponsored by the school itself and should be taken seriously by everyone participating.

Discuss with school beforehand that Principal should

- welcome everyone
- explain why the school is sponsoring this workshop
- emphasize the importance of taking pro-active steps to prevent harassment and violence in the school
- focus on safety, not morality

2. Introduce the trainers [organizer]

Sample intro:

I am _____, and I am here as a *[staff member / Board member / volunteer / other]* with the ACLU of _____ *[other organization]*. I am here today with _____, a teacher at _____ School, and _____, who [is a student at _____/ recently graduated from _____] , who will share with us her experiences as a gay teen at that school. I am also here with _____, an attorney with the ACLU, who will discuss the legal obligations of educators to address harassment.

[If ACLU is sponsoring organization] People sometimes wonder why the ACLU is doing a school training on anti-gay harassment. The ACLU has become involved in this issue because we have seen over and over again the impact that an unsafe environment in school can have on young people. All over the country, we get calls from young people and their parents who tell stories of schools where students are constantly taunted because other students target them as being gay. Often they are beaten up, and every day they have to go to school in fear of what their classmates – or even their teachers – might put them through that day.

We have taken a couple of these cases to court, but most of the time, a lawsuit isn't the right solution. So we developed this program to try to take steps to stop the violence we hear about before the litigation happens. Our goal here is not to convince you of anything about gay rights, or about the morality of being gay, or to educate about gay issues. Our purpose here is very simple: to help ensure that the schools of _____ are safe places, free of violence and harassment, where everyone can get a fair shot at learning.

To prepare for the workshop today, we sent around a survey, asking people what their goals are for the day. Thanks to everyone who filled it out. What we heard was _____. We have tried to structure the workshop to respond to your requests. We will _____ *[explain what the workshop will cover / how it's tailored to their needs]*.

Before we go any further, I would like to review some ground rules for today's session. We ask that

everyone be respectful and listen to everyone's opinions and beliefs. We ask that if you disagree, you speak to the issue raised and not attack the person who spoke. The ground rules are *[write on flip chart]:*

- Active listening
- Communicate differences in a non-judgmental manner (for example, using "I" messages)
- Give everyone a chance to participate
- Respect others' decisions not to participate
- Respect the confidentiality of everything said here today
- All questions asked sincerely and respectfully are good questions

Does anyone have any additions to the list of ground rules? *[add to flip chart]*

3. Visual survey [teacher]

At this point, the teacher leads a "survey" of the following questions, asking people to raise their hands and allowing the participants to get a sense of each other on this issue

How many of you:

- have family members who are lesbian, gay, bisexual or transgendered?
- know a lesbian, gay, bisexual or transgendered student at this school?
- have had a student question his or her sexual identity, or come out to you?
- hear anti-gay slurs in the classroom?
- hear anti-gay slurs in the hallways or cafeteria?
- feel comfortable in confronting name-calling?
- feel this is a safe school for lesbian, gay or bisexual teachers?
- feel that this is a safe school for lesbian, gay, bisexual or transgendered students?
- feel that this is a safe school for students with lesbian or gay parents?
- know whether there is an anti-harassment policy in this school district?
- know who it covers?

The teacher may want to make some remarks about the survey, for example:

Everyone's personal experiences and beliefs affect how they approach issues involving sexual orientation. For some, it may feel awkward or inappropriate even to talk about lesbian and gay students, while others have no difficulty with it at all. Regardless of our personal experiences and beliefs, however, we all have a professional obligation to create safe places for students to learn at their fullest potential.

4. Review of Basic Vocabulary

The teacher should next introduce the basic vocabulary list. [See "The Handouts."]
Ask participants to turn to the Basic Vocabulary list in their packet.

Remarks: There is often more than one way to define many of the terms on the vocabulary sheet. The ones we have provided here are taken from the San Francisco Unified School District's Sexual Minority Youth program.

This vocabulary should also help show that talking about discrimination against lesbian and gay people is not the same thing as talking about sex.
Have participants spend a few moments reviewing the list, but do not go over every definition.

Ask if there are any questions (but don't get bogged down with vocabulary).

5. Video Clip: *It's Elementary* [teacher]

Show video.

The teacher should lead the discussion, using the easel to write down reactions as appropriate. Talking points for the discussion should include:

- Asking participants to think about where we get our images of lesbian and gay people – it starts very young.
- Talking about stereotypes/biases and how young people can absorb them. How do these biases show up as kids get older? Do we see them around us in our school?
- Asking participants what they have found effective in addressing biases in their classrooms

6. **Video clip: PSAs on violence and suicide [teacher]**

Show Video

Teacher should lead discussion, writing down reactions as appropriate. Talking points for discussion should include:

- What is the impact of our failure to address stereotypes and biases?

Use this opportunity to go over the "Doing the Math" information sheet in the packet. Direct participants to the handout and note some of the studies:

- A study of Massachusetts youth published in the journal *Pediatrics* found that more than 25% of self-identified gay teens said they had recently missed school out of fear for their safety. More than one-third of those teens reported having attempted suicide.
- A GLSEN study which surveyed 904 self-identified gay students in 48 states found: 69% of the students reported verbal harassment, 65% reported sexual harassment, 42% reported physical harassment, and 21% reported physical assault.
- In a survey of students at six different community colleges, 18% of male students admitted that they had committed physical violence or threatened men and/or women they perceived as gay or lesbian.
- A 1993 study by the Massachusetts Governor's Commission on Gay and Lesbian Youth found that 97% of students in a Boston public high school reported hearing homophobic remarks on a regular basis from their peers.

7. **Student panelist [student]**

Introduce student panelist (and parent if there). The panelist may have remarks prepared or you may wish to guide him or her with questions, such as:

- How did you come out to yourself, to family, or to friends in school?
- How did your family respond?
- How did other students respond to your coming out?
- What types of harassment did you experience at school?
- Did the harassment ever occur in front of a teacher or administrator?
- Did you ever go to a teacher or administrator to complain about an incident?
- How were you supported by your teachers?
- What could the school have done to be more supportive or to make your experience at school easier?
- Did you have any role models at school?
- How did the support/lack of support you got from school affect who you are today?
- How did the support/lack of support you got from school affect you academically?

Questions for student's parent, if present:

- What were your fears when your child came out to you?
- What was your own process of telling others that you have a gay child?
- What did you hope the school would provide for your child?
- Did you get any support from the school?
- What do you hope the school can provide now?
- Do you have other children going to the same school? How do you want the school to support them in having a gay sibling?

Make sure that the student and parent leave time for teachers to respond and ask questions. After the teachers have had an opportunity to ask questions, announce a break. State that there will be an opportunity to talk more about the student's remarks after the break.

8. **Discussion and reaction to student panelist [teacher]**

Lead discussion about reactions to the student's presentation.

Points for discussion:

- Is there a problem at our school?
- How can we address name-calling?
- How can we establish safe classrooms?
- How can we make the larger school environment safe?

Direct participants to the materials in the packet, including:

- Excerpts from U.S. Department of Education guide: Protecting Students from

Harassment and Hate Crime
- Exercise for establishing classroom rules
- Guidelines for answering sensitive questions
- Name Calling in the Classroom
- What do we say when we hear "Faggot"

9. Video selection: *It's Elementary* or *Teaching Respect for All* [teacher]

Show video.

Lead discussion:

- This is an example of how a classroom discussion can be held
- Using teacher's authority to talk openly about harassment and violence is the best way to change behavior
- Ask administrator for their support of a teacher who might try a similar discussion

10. Legal issues [attorney]

Introduce Attorney.

Overview of legal issues, without being technical:

- Title IX responsibility to end sex harassment
- Constitutional responsibility not to discriminate against lesbian and gay students
- Equal Access Act responsibility to allow gay-straight alliances to meet, if other non-curricular clubs meet
- State law requirements
- Teacher licensing requirements
- District policies

Note: The attorney should be well-prepared but need not go into detail on legal theories – the basic principles of equal treatment are fundamental. In "The Tools" section of the Making Schools Safe manual is a sample five-minute presentation given by the staff attorney in the ACLU of Northern California, a legal memo, and suggestions about relevant laws and state policies that the attorney ought to look into and be prepared to discuss, a list of frequently-asked legal questions for the attorney to think about in preparing, and a copy of a brochure for school districts answering questions about non-discrimination policies.

11. Scenarios [teacher]

Break the participants up into small groups of about five people each. Distribute the scenarios. Tell the groups that they have ten minutes to determine how they would resolve the scenario on their handout, and then they should designate a reporter who will report back to the larger group. The scenarios handed out do not have the discussion points included below — they are intended to assist with the larger group discussion.

Assure participants that there are many "good" responses to these scenarios — what is important is that the participants discuss concrete ideas of what they should do.
Remind participants of the ground rules, if necessary.

Scenario 1

A Ninth grader, Jeremy, asks you if Ms. Gonzales, the science teacher, is a "lesbo."

Discussion Points:

- How should you respond to the vocabulary of the student?
- What does the student really want to know/why is he asking?
- What follow-up is needed?
- If Ms. Gonzales is a lesbian, what is the school climate for her at your school?

Possible responses:

- Address the student's inappropriate use of a slur for the word "lesbian."
- Comment on the question: I wonder why you would be asking that? Would it make a difference if you knew? This could be an opportunity to address stereotypes.
- Refer the student to Ms. Gonzales to ask, alerting her to the discussion you had with the student.

Scenario 2

As you start your class, you hear one of the students (you're not sure which one) say to another: "Oh Philippe you're sooo gaay."

Discussion points:

- How do you deal with Philippe right now? How about later?
- What do you say to the class at this moment?
- What follow-up is needed?
- What if you find out who actually made the comment?

Possible responses:

Immediately address the name-calling, explaining that the manner in which the student spoke was a slur, but the term "gay" is not and should not be used as an insult. Stress that name-calling is unacceptable.

A private follow-up with Philippe may include questions to determine whether he has been the target of other name-calling, and how he is handling it. Ask him what he would like to see the school do to respond. Let him know that there are people he can go to to report the name-calling, and direct him to the anti-harassment policy. Let him know you are an ally and available if he wants to talk in the future. Questions to Philippe about his sexual orientation are not appropriate, unless he wishes to discuss it.

Scenario 3

The Matthew Shepard murder has been in the papers. A student brings up the killing and wants to discuss it. Another student blurts out that "God hates queers and he deserved to die." The class is silent waiting for you to react.

Discussion points:

- How do you respond to the student's anti-gay remark?
- Should you permit the discussion of the Matthew Shepard murder?

Possible responses:

Address the anti-gay remark by telling the student that although you understand he has strong religious beliefs, you will not tolerate in your classroom remarks that denigrate other people and especially remarks suggesting that anyone ought to die. We all must respect each other.

Treat the discussion the same way you would treat any other request to discuss a current event.

Scenario 4

The Matthew Shepard murder has been in the papers. A student brings up the killing and wants to discuss it. You permit the class to talk about their feelings about Shepard's death.

Afterward, you get a phone call from an angry parent saying that the Bible teaches that homosexuality is wrong, that he tries hard to teach his children to follow the Lord, and he doesn't appreciate you promoting gays in your class.

Discussion Points:

- How do you respond to the religious concerns of a parent?

Potential responses:

Tell the parent that the discussion did not "promote homosexuality," but instead responded to a student's feelings about a current event, which is something that happens frequently in your class. Address the parent's point of view respectfully.

Explain that you have an obligation under federal law to ensure that your classroom is safe and tolerant for all students, including lesbian and gay students. You feel you should treat a discussion about a current event involving a gay person no differently from how you treat other discussions about current events.

If you know, explain whether he has rights under state law to remove his child during discussions which he feels violate the family's religious beliefs.

12. Next Steps

What can we do to make our school safer?

- Ask participants to turn to the "Creating a Safer Classroom" in the "The Handouts" section of the manual, which contains recommendations for further action. Ask them to identify and commit to steps that they can take in their school. Write down individual assignments and timelines.

- Refer back to the U.S. Department of Education Manual excerpts on stopping harassment and hate crimes and again ask participants to commit to specific actions they can take.

- Note the other resources identified in the materials

Go over the remainder of the materials in the packet

Ask participants to fill out evaluations

THE HANDOUTS

Basic Vocabulary *[teacher]* 66

Doing the Math *[teacher]* 67

Quiz on Homosexuality *[teacher]* 69
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Often Asked Questions *[teacher]* 73
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What Do We Say When We Hear "Faggot"? *[teacher]* 77
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Name Calling in the Classroom *[teacher]* 79

Creating a Safe Classroom *[teacher]* 80

National Organizations Assisting LGBT Teachers & Youth *[teacher]* 81

Resources on LGBT Issues for Educators and Students *[teacher]* 85

"I Don't Feel Safe Here Anymore" *[attorney]* 88
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Basic Vocabulary

Bisexual: A person who is attracted to people of the same sex and to people of the opposite sex.

Gay: A term that can apply to either men or women who are physically and emotionally attracted to persons of the same sex. However, it is usually used to describe men, e.g. "gay men."

Gender Identity: The gender with which one identifies more strongly, regardless of one's biological sex. For example, a person who has female anatomy might identify as male or as a man.

Heterosexual: A person who is physically and emotionally attracted to a person of the opposite sex.

Homophobia: Irrational fear of feelings of affection for members of one's own sex, and/or the hatred of those feelings in others.

Homosexual: A person who is physically and emotionally attracted to a person of the same sex. "Gay" or "lesbian" is usually a preferred term, rather than "homosexual."

Lesbian: A woman who is physically and emotionally attracted to another woman.

Queer: A term that is currently being used by many gay, lesbian, bisexual, and transgendered persons to describe their pride in being different.

Sexual Behavior: Sexual conduct or action.

Sexual Identity: A consistent, enduring self-recognition of the meanings that one's gender identity, sexual orientation, and sexual behavior have for oneself.

Sexual Orientation: Sexual feelings, erotic thoughts, fantasies and/or behaviors with respect to others. This term should be used rather than the outdated term "Sexual Preference."

Sexual Preference: A term once used to describe sexual orientation which is now outdated because sexual orientation is no longer commonly considered to be one's conscious individual choice.

Stereotype: A generalization, usually negative, about persons based on some characteristic. The generalization is then attributed to everyone who may fit into the group.

Transgender: A term describing persons predisposed to identifying as a member of the opposite sex, sometimes to the point of undergoing sex-change surgery.

ACLU LESBIAN AND GAY RIGHTS PROJECT

Doing the Math: What the Numbers Say About the Experience of LGBT Students

EVERY STUDENT, EVERY SCHOOL

WHY & HOW

What we know from the numbers -- and from the thousands of calls and emails we get every year -- is that lesbian, gay, bisexual, and transgendered (LGBT) students face discrimination and harassment on a daily basis. Harassment left unaddressed can cause students to perform poorly academically, skip class, and drop out of school altogether. It can also all too easily escalate to physical violence. School administrators can be held liable for failing to ensure their schools are safe places where all students have an equal opportunity to learn.

A top priority of the ACLU Lesbian & Gay Rights Project is to help prevent ongoing harassment by educating administrators and teachers about their responsibility to make every school safe and positive for every student. This starts with knowing the basic facts about what LGBT students face each and every day they go to school.

Physical and/or Verbal Threats Faced by LGBT Youth

A study of Massachusetts high school students published in the journal *Pediatrics* reports that nearly one-third of gay teens had been threatened in the last month with a weapon at school, compared to 7% of heterosexual students surveyed.

In two separate studies, similar percentages of lesbian, gay, and bisexual youth reported hearing homophobic comments in their schools.

In a 1993 study by the Massachusetts Governor s Commission on Gay and Lesbian Youth, 97% of students in a Boston public high school said they heard homophobic remarks on a regular basis from their peers.

The Gay, Lesbian and Straight Education Network (GLSEN) conducted a 2001 survey of 904 LGBT students from 48 states. This survey found that over 84% of LGBT youth reported that they sometimes or frequently heard homophobic comments in their schools.

Over 81% of youth reported that faculty or staff either never or rarely intervened when homophobic remarks were made at school, according to GLSEN s National School Climate Survey.

The National Gay and Lesbian Task Force National Anti-Gay/Lesbian Victimization Report concludes from its survey: 45% of gay males and 20% of lesbians surveyed reported having experienced verbal harassment and/or physical violence during high school as a result of their sexual orientation.

The GLSEN study measured the frequency of anti-gay harassment in school and found:

69% of LGBT students reported verbal harassment
65% reported sexual harassment
42% reported physical harassment (shoving, hitting)
21% reported physical assault (being beaten, punched, kicked, etc)

The study also found slight differences in how safe students felt based on where they lived: 63% of urban students, 71% of suburban students, and 76% of rural students felt unsafe at school.

The GLSEN study found that 90% of transgendered youth feel unsafe in school.

The home environment can also be very unsafe for LGBT youth. In a survey of lesbians and gay men in Pennsylvania, 33% of gay men and 34% of lesbians reported suffering physical violence at the hands of a family member as a result of their sexual orientation.

In a psychological study of 484 students at six community colleges conducted by Dr. Karen Franklin, 18% of the men interviewed admitted that they had committed physical violence or threats against men and/or women they perceived to be gay or lesbian.

Faculty and Staff Attitudes Toward LGBT Students

In the Making Schools Safe study commissioned by the state of Massachusetts, 53% of gay and lesbian students reported hearing homophobic comments made by school staff.

The GLSEN National School Climate Survey concluded that 23% of LGBT students reported hearing homophobic comments from faculty or staff.

Of the respondents to the nationwide GLSEN survey, 40% stated that there were no teachers or school staff who are supportive of LGBT students in their schools.

Effects of Homophobia on the Behavior of LGBT Youth

The study of Massachusetts youth published in *Pediatrics* found that more than 25% of self-identified gay teens said they had recently missed school out of fear for their safety, while only 5% of heterosexual teens had missed school out of fear.

A 2001 report from the National Longitudinal Study of Adolescent Health -- a sample that includes 12,000 teens from 134 American schools -- found that gay teens are 2 times more likely than their heterosexual peers to attempt suicide.

Donna Futterman and Caitlin Ryan analyze studies on homeless and runaway youth conducted in Seattle and Los Angeles in their book, *Lesbian and Gay Youth: Care and Counseling*. According to these city-funded studies, gay and lesbian youth accounted for 20 to 40% of all homeless youth.

Note: Where we say lesbian and gay that s the language used in the study being quoted. The GLSEN survey is the only one here that specifically included self-identifying transgendered youth.

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Sources

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QUIZ ON HOMOSEXUALITY

We all have ideas about sexuality. Some are correct, and some are stereotypes, that are not based in fact

Read each statement below.

Circle a "T" for *True* and a "F" for *False*, or "DK" for *Don't know*.

Then, write one question at the bottom of the page you would like answered.

---

1. We do not know the exact cause of homosexuality.	T	F	DK
2. Lesbians and gay men can always be identified by their physical appearance.	T	F	DK
3. Lesbian and gay teachers and parents will make young people gay.	T	F	DK
4. One homosexual experience means that someone is gay or lesbian.	T	F	DK
5. Gay or lesbian persons do not choose their sexual orientation.	T	F	DK
6. In homosexual relationships, one person plays the "male," or husband role, and the other plays the "female," or wife role.	T	F	DK
7. Lesbians and gay men are not limited in career choices because of their sexual orientation.	T	F	DK
8. Lesbians and gay men can have happy, long-term relationships.	T	F	DK
9. The majority of child molesters are gay.	T	F	DK
10. Homosexuality is a mental illness that can be cured.	T	F	DK

11. Below, write one question you would like answered.

Answers for Quiz on Homosexuality

1. TRUE. There are a number of theories regarding the cause of homosexuality. However, it must be remembered that they are all merely theories.

Following is a greatly simplified version of four of the theories regarding the genesis of homosexuality. The answers may not be age appropriate for your students, but may prove helpful for you in explaining the answers.

The first theory has to do with heredity or genes. This theory came out of fraternal/identical twin studies that pointed to the fact that in identical twins if one sibling was gay, the other was as well. In one out of eight cases, if one fraternal twin was gay, the other twin was also gay. Research since this initial study in 1952 both supports and contradicts this data.

The second theory states that a shortage of hormones meant to be implanted into the fetus is interrupted in some way. This interruption of the developmental process may be due to the mother's stress, an illness, or an accident of some kind. Since the hormone does not make it to the fetus, the result is a gay/lesbian child. A problem with this theory is that it assumes some trauma to the fetus -- an assumption that cannot proven.

The third theory is psychological. It states that due to the presence of a domineering mother and a weak/submissive/missing father, a young boy becomes fixated on the mother, and does not identify with the male father figure. For a girl, she never outgrows her natural close relationship with her mother, and does not transfer her affections to her father. Research does not support this theory as a viable explanation for homosexuality.

The fourth theory concerns the size of the hypothalamus of the brain. After examining a series of brains, it was found that the hypothalamus in gay men was smaller than that in non-gay men. However, this study reports only initial studies, states nothing about the development of lesbians, and focuses on the brains of those who died of HIV. It remains unclear if the virus affected the hypothalamus size. Since the initial pubilcaiton of this research (1992), there has been further study of the biological base of homosexuality.

Regardless of the theory, however, it becomes clear that theories reflect the attitudes of a culture at a given time. From self reports of gay, lesbian, and bisexual people, many state that a sense of feeling "different" was present at a very early age. Further, the theories do demonstrate that sexual orientation is not a matter of choice, but is a variation of sexuality.

2. FALSE. Lesbians and gay men cannot be identified by physical appearance any more than heterosexual persons can. Of course there are some gay men and lesbians who choose to dress in a particular fashion, just as a non-gay person might. Sometimes fashion may fit a stereotype. However, stereotypes cannot define a whole group of people.

3. FALSE. Gay men and lesbian adults cannot affect the outcome of a young person's orientation. Remember that most gay men and lesbians were raised by heterosexual parents, and still came to an awareness of their homosexuality.

This question is a follow up to question #1 on orientation. Whatever the research has shown, it is clear that orientation is not learned, but is present in persons at an early age, possibly from conception, at a pre-conscious stage of development.

(3., cont'd) While adults cannot "make" any one "be" any orientation, by providing positive role models, and by being open and tolerant, we can teach young people that orientation is just one aspect of sexual identity. Further, all people, regardless of sexual orientation, race, culture, sex, age, or ability are worthy of respect.

4. FALSE. What is more important are the *feelings* of attraction a person has, not just the behavior. The Kinsey Report (1948) found that there is a large amount of sexual exploration with same sex partners by pre-adolescents. The statistics quoted by Kinsey state that almost two-thirds of prepubescent boys and one-third of all girls have had some homosexual experience.

5. TRUE. This question examines the difference between sexual orientation and sexual preference. As stated in the answer to question #1, gay men and lesbians do not choose orientation. Rather, it is an integral aspect of their overall sexual identity. A person, regardless of orientation, however, chooses how to express their orientation (preference), but orientation is not chosen. For instance, a heterosexual woman may choose to express her sexuality by marrying. Likewise, a gay man may choose to express his sexuality by being in a committed relationship. This is how persons express their preference.

Another way in which to view this question is to ask students if they feel non-gay persons *choose* their orientation -- "How do you know you are heterosexual?". More than likely, the response will be "Of course we don't choose it -- we just know it!" Point out that this is similar to the orientation of lesbians and gay men, as well.

6. FALSE. Gay men and lesbians work out the details of their relationships like anyone else. This question focuses on sex-role stereotypes that assume that only some roles are appropriate for women, and other roles are appropriate only for men.

Tasks having to do with two persons living together, regardless of sex, need to get done. If two men have a child, either father must change the diapers and feed the baby. If two women live together, "handyman" tasks are still part of the relationship. Rather than focusing on whether a job is a "man's" job or a "woman's" job, we need to examine what an individual in a relationship is good at and enjoys rather than what is the traditional cultural expectation.

An aspect of this question may have something to do with the roles gay and lesbian persons assume when they are sexual. Point out that when someone possesses the maturity to be in a relationship, part of expressing affection, and exploring the relationship may include exploring what is mutually satisfying sexually. This holds true for heterosexual and homosexual relationships.

7. TRUE. However, on occasion, a student will point out that a lesbian or gay man may be excluded from a position due to orientation. This is discrimination, and has nothing to do with the inherent abilities of gay men and lesbians.

Lesbians and gay men in our society hold public office such as city supervisors, senators, and mayors. They are in the field of the Arts, are parents, athletes, and professionals such as doctors, lawyers, psychotherapists, and teachers. Further, lesbians and gay men are contractors, mechanics, plumbers and engineers. Just as any position is open to someone willing to take the necessary steps to achieve that position, so too are they available to gay men and lesbians.

8. TRUE. This question examines the stereotype that gay men and lesbians cannot have fulfilling interpersonal relationships.

(8., cont'd.) Of course, there are societal stigmas concerining same-sex relationships that impose a strain on them, but these relationships do exist -- often with the support and approval of extended family and friends. More and more lesbians and gay men are celebrating their commitments to one another in ceremonies similar to marriages. While not recognized legally, the ritual formalizes their relationship and lets friends and family celebrate the couple's commitment.

9. FALSE. This is a great misconception regarding molestation and gay men. Statistics show that the majority of child molestations involve heterosexual males who are familiar with the child -- either a family member or friend. Further, in a study in 1978, it was found that of the 175 adult males who were convicted of sexual molestation in Massachusetts, none had a homosexual adult sexual orientation. 47% were classified as "fixated, " or never having developed an adult orientation, 40% were heterosexuals, and 13% were classified as adult bisexuals, stating that they engaged in same sex behavior on occasion.

10. FALSE. Homosexuality is not a mental illness. This question once again refers to the genesis of orientation. One's sexual orientation is an aspect of their sexual identity and sexual orientations vary from person to person.

The diagnosis of mental illness was dropped from the Diagnostic and Statistical Manual of Psychiatric Disorders in 1973. "Ego dystonic homosexuality" -- distress caused by one's homosexual orientation -- replaced the initial diagnosis. This, however was dropped from the manual in 1986.

Some potential questions students may ask are:

How does someone become gay? -- refer to the answer for #1 to discuss this.

Does someone "turn" gay or lesbian because they haven't found the right opposite-sex partner? -- Once again refer to the orientation information. Remind students that we are talking about feelings that are present from early in a person's life. Sometimes a person becomes aware of these feelings earlier, sometimes later. Further, one does not "turn" gay any more than one "turns" heterosexual. You can't "catch" an orientation, regardless of what it is.

Do gay men want to be women and lesbians want to be men? -- No. Persons who want a sex change operation are transsexuals. This has to do with gender identity, not necessarily sexual orientation. Men who dress in women's clothing are transvestites. The majority of transvestites are heterosexual men.

What do the families of lesbians and gay men think when they find out about a son/daughter/brother/sister? The response varies from family to family. Some families do not take issue with the knowledge that a family member is lesbian or gay. Others, because of misunderstandings about gay men and lesbians, are upset, and may cut off contact with their family member. Ask students what they would do if they discovered they had a homosexual relative. Take some time to discuss if it really matters what one's orientation is if that family member is an important part of the family and is loved.

Often Asked Questions
Regarding Sexual Orientation/Gender Identity Issues

1. ***Why are people gay, or what is the "cause" of homosexuality?***

There are a number of theories regarding the cause of homosexuality. These theories have proposed differing sources of sexual orientation, including genetic or inborn hormonal factors and life experiences during early childhood. However, many scientists share the view that sexual orientation is shaped for most people at an early age through complex interactions of biological, psychological, and social factors.

Sexual orientation is one of the four components of sexuality and is distinguished by an enduring emotional, romantic, sexual, or affectional attraction to individuals of a particular gender. The other three components of sexuality are: biological sex, gender identity, and social sex role, or gender role.

Three sexual orientations are commonly recognized: homosexual, heterosexual, and bisexual.

Sexual orientation is different from sexual behavior because it refers to feelings and self-concept. Persons may or may not express their sexual orientation in their behaviors.

2. ***Can you tell if someone is gay, lesbian, or bisexual just by appearance?***

Lesbians and gay men cannot be identified by physical appearance any more than heterosexual persons can. Homosexuality is not limited to one type of person. Lesbian, gay, bisexual, transgendered people are of all ages, cultural backgrounds, races, religions, and nationalities. They work in all occupations and live in all parts of our country.

3. ***Can gay adults influence a young person's sexual orientation?***

Gay, lesbian, and bisexual adults cannot affect the outcome of a young person's orientation. Remember that most gay men and lesbians were raised by heterosexual parents, and still came to an awareness of their homosexuality.

Whatever the research has shown, it is clear that orientation is not learned, but is present in persons at an early age, possibly from conception.

By providing positive role models, and by being open and tolerant, we are teaching young people that orientation is just one aspect of sexuality, and that all people, regardless of sexual orientation, race, culture, sex, age, or ability deserve respect.

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4. *Does someone choose to be gay or straight?*

This question examines the difference between sexual orientation and sexual preference. As stated in the answer to question #1, people do not choose their sexual orientation. Rather, it is an integral aspect of their overall sexuality. A person, regardless of orientation, however, does choose how to express his/her orientation through a particular preference or behavior. For instance, a heterosexual woman may choose to express her orientation by marrying. Likewise, a gay man may choose to express his orientation by being in a committed relationship.

Another way in which to view this question is to ask students if they feel non-gay persons ***choose*** their orientation -- "How do you know you are heterosexual?". More than likely, the response will be "Of course we don't choose it -- we just know it!" Point out that this feeling is similar with lesbians and gay men, as well.

5. *In a gay/lesbian relationship is one person the "wife" and the other the "husband"?*

Gay men and lesbians work out the details of their relationships like anyone else. This question focuses on sex-role stereotypes that assume that only some roles are appropriate for women, and other roles are appropriate only for men. Tasks having to do with two persons living together, regardless of sex, need to be decided. Rather than focusing on whether a job is a "man's" or a "woman's" job, we need to examine what tasks an individual in a relationship is good at and enjoys rather than what is the traditional cultural expectation.

A student may be asking through this question what roles gay and lesbian persons assume when they are sexual. Clarify that when one is mature enough to be in a relationship, part of expressing intimacy and exploring the relationship includes understanding what is mutually satisfying sexually. This fact holds true for heterosexual and homosexual relationships.

6. *Can gay men and lesbians have happy, long-term relationships?*

There are societal stigmas concerning same-sex relationships that impose a strain on them, but these relationships do exist. More frequently, lesbians and gay men are celebrating their commitments to one another in ceremonies similar to marriages. While not recognized legally, these commitment rituals formalize the relationship and let friends and family celebrate the couple's commitment. Many gay and lesbian people are also deciding to have children in their families.

7. *Aren't most child molesters gay?*

A misconception regarding molestation is that gay people are sexual abusers of children. Statistics show that the majority of child molestations involve heterosexual males who are familiar with the child -- either a family member or friend. Further, in a study in 1978, it was found that of the 175 adult males who were convicted of sexual molestation

in Massachusetts, none had a homosexual sexual orientation.

8. ***Is it an illness?***

Homosexuality is not a mental illness.

The diagnosis of mental illness was dropped from the Diagnostic and Statistical Manual of Psychiatric Disorders in 1973. "Ego dystonic homosexuality" -- distress caused by one's homosexual orientation -- replaced the initial diagnosis. This classification was dropped from the manual in 1986.

9. ***Do people "turn" gay or lesbian because they haven't found the right opposite-sex partner?***

Refer to the first question. A person may become aware of feelings attached to their orientation at different stages in life. One does not "turn" gay any more than one "turns" heterosexual. You can't "catch" an orientation, regardless of what it is.

10. ***Do gay men want to be women and lesbians want to be men?***

No. Persons who want a sex change operation may fit under the umbrella definition of transgendered. This change has to do with gender identity, not necessarily sexual orientation.

11. ***What do families think when they discover they have a gay or lesbian family member?***

The response varies within each family. Some families do not take issue with the knowledge that a family member is lesbian or gay. Others, because of misunderstandings about gay men and lesbians, are upset, and may cut off contact with their family member.

12. ***Why do "they" have to flaunt "it?"***

If a heterosexual person were to display a picture of his or her significant other in their office or talk about a partner/spouse, it would not be considered flaunting anything. The question really is: Why is it considered "flaunting" when a gay or lesbian person does the same thing as a heterosexual person would? Further, why is it inappropriate for same sex couples to express affection the same way as heterosexual couples do?

There are many opinions regarding what is an "appropriate" demonstration of affection in public. However, wild Spring Break parties, often encouraged as simple rites of passage, or Mardi Gras parades which celebrate all of the earthly pleasures, are at least as explicit as what may go on during certain gay celebrations.

13. ***If a boy prefers being with the girls, or a girl prefers being with the boys, are they gay?***

This association may have nothing to do with sexual orientation. It may have to do with a stage the child is experiencing, gender identity exploration, or any number of things. The issue here is that the child be safe. Name calling and threats of violence are inappropriate according the District's Anti-slur policy and need to be addressed immediately.

14. *When is it appropriate to label a child's sexual orientation?*

It is never appropriate to label any person's orientation. Sexual orientation is a complex issue of self-definition. Regardless of appearances, externals alone do not define an orientation. What is more important is that educators create an environment in which all students regardless of sexual orientation are safe.

15. *Who are transgendered people?*

Approximately 3% of the general population has significant feelings of discomfort about their gender, cross dress, or are transsexual. These feelings begin anytime between age three and puberty. The majority of the young people experiencing transgendered feelings are indistinguishable from other youth in their dress or manner.

16. *But what if my religion tells me that homosexuality is a sin, and is therefore wrong?*

One of the greatest freedoms we have in the United States is freedom of religion. However, we also have a separation of church and state. While we have the right to dislike another's sexual orientation or race or political beliefs, we need to respect these differences. We may not discriminate against, or be violent with, another just because they are different than we are.

Further, as educators, we have an obligation to provide a safe learning environment for all of our students. This safe environment means we must address homophobic responses from students when confronted with them.

Remember, if you have any questions, feel free to contact:
Support Services for Sexual Minority Youth at 242-2615.

Resources:

Blumenfeld, Warren J, and Raymond, Diane (1988). Looking at Gay and Lesbian Life. Boston, Massachusetts: Beacon Press.

Cohen, Susan and Daniel (1989). When Someone You Know is Gay. New York, New York: M. Evans and Company.

Gonsiorek, John and Weinrich, James, Ed. (1991) Homosexuality: Research Implications for Public Policy. Newbury Park, California: Sage Publications.

Morey, Hunter R (1984). Demystifying Homosexuality: A Teaching Guide About Lesbians and Gay Men. New York, New York: Irvington Publishers.

Rodgers, MFCC, Luanna(1991). In an unpublished paper at a conference on gay and lesbian youth.

Schneider, Margaret S (1988). Often Invisible: Counseling Gay and Lesbian Youth. Toronto, Ontario: Central Toronto Youth Services.

United Way of the Bay Area Task Force on Lesbian and Gay Issues (1990). Building Bridges: Exploring the Needs of the Lesbian and Gay Community.

What Do We Say When We Hear 'Faggot'?

By Lenore Gordon

Alice is eleven. She walks down the school halls with her arm around her best friend, Susan. During lunch, they sit on the floor holding hands or combing each other's hair. Lately, Alice has been called "dyke," and boys have been told not to be her friend.

Brian refuses to take part in a fight on his block. As he makes his way home, he hears cries of "faggot" and "sissy." Suddenly he begins to run, realizing that the other children may now attack him.

Carl is gifted musically; he would like to join the elementary school chorus. Although he hesitates for several weeks, the music teacher persuades him to join. One morning soon after, he enters the classroom tense and angry after chorus, muttering that several boys have called him "gay."

Some children play a "game" called "Smear the Queer," in which one child suddenly attacks another, knocking him to the ground. The attacker shouts "Fag!" and then runs away.

Homophobic name-calling is pervasive. Even first graders are now using such terms as "faggot" to ridicule others, and such name-calling is increasingly common in the older grades. Homophobic name-calling is devastating to young people experiencing homosexual feelings. For youngsters who are not gay, such name-calling creates or reinforces hostility towards the gay and lesbian population. And it forces all children to follow strict sex-role behaviors to avoid ridicule.

Because homosexuality is such a charged issue, teachers rarely confront children who use homophobic name-calling to humiliate and infuriate other children. Many teachers do not realize that this sort of name-calling can be dealt with in much the same way as other kinds of bigotry and stereotyping.

Teaching children to be critical of oppression is teaching true morality, and teachers have the right, indeed the obligation, to alert their students to all forms of oppression. Educating children not to be homophobic is one way to show the difference between oppressive and non-oppressive behavior.

Challenging homophobic name-calling by teaching children non-judgmental facts about homosexuality and by correcting myths is also intrinsically connected to anti-sexist educational values, since homophobia is used to reinforce rigid sex roles. Furthermore, if adults criticize other forms of name calling but ignore anti-gay remarks, children are quick to conclude that homophobia is acceptable.

Boys are far more likely to be the object of homophobic name-calling than girls, perhaps because sex roles for boys remain, to some extent, more rigidly defined. A boy involved in a traditional "female-only" activity such as sewing or cooking risks out-and-out contempt from his peers, as well as the possibility of being called "faggot" or "sissy." Girls are more able to participate in activities that have traditionally been for boys, such as sports or shop, without loss of peer approval.

Because homosexuality is such a charged issue, teachers rarely confront children who use homophobic name-calling to humiliate and infuriate others.

At the late elementary and junior high school levels, physical affection between girls is far more acceptable than between boys, but a girl will be called a "dyke" if she does not express, by junior high, a real interest in pleasing boys or in participating with other girls in boy-centered discussions.

As an elementary school teacher, I have made an awareness of oppression and of the concept of "majority" and "minority" a focus of current events, history, and social studies. Throughout the year we discuss those who are not in the majority in this country: Native Americans, Puerto Ricans, Blacks, Chicanos, disabled people, older people, and many others. We also discuss women, a generally powerless majority.

If oppression is being discussed, it is impossible to ignore lesbians and gay men as a group that faces discrimination. Children in the middle grades have a strong sense of justice, and they can understand the basic injustice of people being abused because they are different from the majority. They can also identify with the powerlessness of oppressed groups because children themselves are often a verbally and sometimes a physically abused group.

Types of Name-calling

When initiating a discussion of name-calling, teachers can explain that there are two kinds of name-calling. One kind of name-calling, unrelated to any particular group, is often scatological or sexual (i.e., the four-letter words). The other is group-biased; it uses the name of a group — "nigger," "chink," "polack," etc. — as the insult and implies that there is something wrong with

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being a member of that group.

Group-biased name-calling can be handled in a variety of ways. Sometimes children do not truly understand why a word is offensive. If a teacher simply takes the time to tell the class that a particular word insults or demeans a group of people, children will often stop using the word. (Occasionally, children do not even know what a term means. One New York City ten-year-old who frequently called others "faggot" told me that the word meant "female dog." A twelve-year-old said that a lesbian is a "Spanish Jew.")

Discussions about the meaning of homophobic words can often be quite consciousness-raising. When I hear a child use the word faggot, I explain that a "faggot," literally, is a stick used for kindling. I also explain that gay people used to be burned in medieval times simply for being gay, and they had to wear a bundle of sticks on their shirts to indicate that they were about to be burned. (At times, gay men were used as the kindling to burn women accused of witchcraft.) After the discussion that ensues from this revelation, I make it clear to my students that the word is not to be used again in my classroom, and it rarely is.

When I talk about the words "lesbian" and "gay men," there is always a stir of discomfort, so I ask what those words mean. I am also usually told that a gay man is an "effeminate" man. We discuss the stereotyping inherent in that myth, as well as the fact that "effeminate" means "behaving like a woman," and the class begins to realize that "behaving like a woman" is viewed negatively.

When asked what it really means to be called a "faggot" and why it is insulting for a boy to be called "gay," students will often respond that saying a boy is like a girl is the worst insult imaginable. At this point, girls are likely to sense that something unjust has been touched upon, and they will often take up their own defense, while simultaneously having their own consciousness raised.

Before we go on with the lesson plan, I usually attempt to reach a consensus on definitions. Here are some that have seemed acceptable: "Someone who loves someone of the same sex, but can be close to people of the opposite sex if they want to" and "Someone who romantically loves someone of the same sex." We added the word "romantically" in one class after a boy commented in a confused tone, "But I love my father ..." When discussing definitions, it is important to tell children that gays and lesbians are as different from one another as are heterosexual men and women. There is no such thing as a "typical" lesbian or gay man.

Imagining Names

When we continue with the lesson plan and students are asked to imagine being called names as they walk with a close friend of the same sex, they describe feeling "different," "dumb," "weird," "afraid," and "embarrassed." (One very different response was, "I'd feel loved, because the main thing would be walking with someone I loved.") When asked how they would feel as one of the name-callers, children usually admit that they "would feel like part of the group."

Suggested responses to homophobic attacks have included, "It's my choice," "We like each other, and for your information, we're not homosexual," "I'm not ashamed," "I'm just as different as you are," "I don't care," and "So what!"

I have also used the music of Holly Near to teach about oppression. Songs are an effective tool in reaching children, who seem to retain information presented in this mode quite easily. Near sings about the oppression of many different groups and her songs help students make linkages between their struggles.

Another way to combat homophobia — particularly for older students — is to invite a speaker from a gay organization to talk to the class. Listening to a gay or lesbian who is also a living, breathing human being — someone who has parents, siblings, and looks a little nervous in front of a group — is often a decisive factor in breaking down homophobic stereotypes.

> Teachers have the obligation to alert students to all forms of oppression.

Homophobic attitudes can also be countered in discussions about sex roles. Students can be asked, "What does a boy have to do to 'act like a girl?'" (and vice versa). The stereotypic behaviors that are mentioned can usually be quickly discounted by asking children to consider their own home lives. Many children, particularly those with single or divorced parents, have seen their mothers working and their fathers cleaning the house.

Another classroom activity is to ask students to look in any standard dictionary or thesaurus for the definitions of "male" and "female," "masculine" and "feminine," "husband," "wife," etc. The definitions are often so blatantly offensive and stereotypic that they create a small sensation when read aloud, thus challenging children to rethink their own definitions.

Discussing homophobic concepts is one thing; enduring homophobic name-calling is an entirely different matter. The pressure to conform is especially overwhelming within the school/peer structure, and it is vital that teachers try to instill the courage needed to function independently when one is the object of ridicule.

I attempt to teach my students to be willing to defend not only their own rights but the rights of others. Because name-calling is so common among children, and because it embodies the bigotry learned from adults, it is a good place for educators to begin. ❐

Lenore Gordon is a writer from the New York area.

This article is adapted from *The Bulletin* of the Council on Interracial Books for Children, Vol. 14, Nos. 3 & 4.

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NAME CALLING IN THE CLASSROOM
WE *CAN* DO SOMETHING ABOUT IT

BY VIRGINIA URIBE, Ph.D.

Every day we hear names echo down the corridors of our schools and explode in our classrooms. Maybe it's happened to us, maybe it hasn't. But we certainly can sense the pain and humiliation of the students, and sometimes we can see their anger.

Insults take many forms: they all hurt. Racial, ethnic and sexual slurs are particularly abusive because they reflect a history of oppression, and therefore there is more power to inflict damage with such slurs. Do students need to be reminded that they are members of a denigrated class?

Sometimes slurs don't even get recognized as being hurtful and may be considered socially acceptable. Many young people use terms such as **nigger, spic, faggot, lezzie, queer**...because they know the effectiveness of their hurtful nature. The use of slurs attacks another's self-esteem and teachers young people that hatred of one group is condoned by our society.

As educators, it falls on us to create a cooperative learning environment where students are safe to express themselves in all their diversity. It is also the responsibility of educators to teach children that diversity is something to be celebrated rather than ridiculed.

Dr. Virginia Uribe, Fairfax High School, Los Angeles Unified School District, is founder and director of PROJECT 10, a dropout prevention program targeted at lesbian and gay teenagers.

- Do you have willing designated staff (teachers, administrators and classified) to whom students can go to, to talk about sensitive issues around questioning their own sexuality?
- Do you have an anti-slur policy in your classroom and do you enforce it?
- Have you talked with others on how to handle unacceptable language and actions that produce "that teachable moment?"

ESTABLISH A CODE OF DISCIPLINE

- Name calling, which has one basis in poor self-esteem, has the spiral effect of further lowering self-esteem, making it difficult for learning to take place.
- A system-wide Code of Discipline will assist in controlling name calling when this behavior is addressed directly.
- A phrase in one school's Code of Discipline defines the unacceptable behavior: "Willful obscene, abusive or profane language or gestures (including racial, religious, ethnic or sexual slurs)."
- This definition is followed by specific consequences for transgressions.
- With system-wide support and commitment a discipline code is very effective in eliminating name calling not only in the classroom but also in the hallways where it is most prevalent.

AN EXERCISE FOR ESTABLISHING CLASSROOM RULES

Even without a Code of Discipline, name calling can be controlled within the classroom using the following exercise:

1. Have students brainstorm names they have heard called.
2. List all suggestions on the board.
3. Discuss the following categories and categorize names accordingly: racial, ethnic, sexual or religious bias.
4. Make students aware that all name calling involves prejudice and is equally bad.

- *State that none of the listed names is acceptable in your classroom.*
- *Make it clear that you will not tolerate any form of name calling.*
- *Explain why and discuss consequences for failure to adhere to this rule.*
- *You can control behavior in your classroom. If you react immediately to any transgressions, students will feel safe in the classroom.*

Partially taken from Name Calling, Equity Institute, Inc. Box 458, Amherst, Mass. 01004 and Virginia Uribe.

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ACLU LESBIAN AND GAY RIGHTS PROJECT

Creating A Safer Classroom

A Practical How-To Guide

EVERY STUDENT, EVERY SCHOOL

WHY & HOW

What we know from the numbers -- and from the thousands of calls and emails we get every year -- is that lesbian, gay, bisexual, and transgendered (LGBT) students face discrimination and harassment on a daily basis. Harassment left unaddressed can cause students to perform poorly academically, skip class, and drop out of school altogether. It can also all too easily escalate to physical violence. School administrators can be held liable for failing to ensure their schools are safe places where all students have an equal opportunity to learn.

A top priority of the ACLU Lesbian & Gay Rights Project is to help prevent ongoing harassment by educating administrators and teachers about their responsibility to make every school safe and positive for every student. This starts with taking some simple, practical steps in your classrooms, schools, and districts.

In the Classroom

Respect different points of view

Establish classroom guidelines about name-calling

Address all name-calling as soon as it happens, and use it as an opportunity to educate

Take advantage of any teaching moments (like when a student asks about gay people, etc.)

Don t assume all students and their families are straight -- use sexual orientation neutral language to reflect this

Include gay and lesbian historical figures in classroom displays

Incorporate LGBT issues in curriculum if appropriate

In the School

Schedule staff development addressing LGBT issues

Address name-calling as soon as it happens, and use it as an opportunity to educate

Make sure books on LGBT issues are included in the school library and that LGBT people are represented in school displays

Sponsor diversity days that are inclusive of LGBT people

Review school forms for sensitivity to diverse family structures

Support student efforts to create or maintain a gay-straight alliance (GSA) club at school

In the District

Include sexual orientation in all anti-harassment and nondiscrimination policies

Help bring regular in-service trainings to educate all school personnel about LGBT student concerns and the legal obligations and responsibilities of schools

Commit resources to address LGBT issues

Be inclusive of LGBT issues in curriculum

Use language in all district forms and newsletters that recognizes the fact that not all students, teachers, and parents are straight

At every level, teaching should be a school s first response to anti-gay harassment or hostility. The ACLU s training for school staff, Making Schools Safe, gives solid information and practical suggestions on how to do this. The training brings together a teacher, a former student, and an attorney to educate schools about their moral and legal obligation to protect all students equally. For more information, contact the ACLU Lesbian & Gay Rights Project at:
125 Broad St., 18th Floor NY, NY 10004 212-549-2627 www.aclu.org/safeschools safeschools@aclu.org

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National Organizations Assisting LGBT Teachers & Youth

ACLU Lesbian and Gay Rights Project
125 Broad Street, 18th Floor
New York, NY 10004-2400
Ph: 212.549.2627
F: 212.549.2650
lgbthiv@aclu.org
http://www.aclu.org

Youth and student issues is one of the chief focus areas of this national legal advocacy organization. With help from state affiliates, the Project is working to make schools safer places for lesbian, gay, bisexual, and transgendered teachers and students. The Project recently co-authored a brochure with GLSEN designed to encourage teachers and administrators to adopt anti-discrimination and anti-harassment policies. If you have legal questions or concerns you can contact the Project during business hours at the above telephone number.

Gay, Lesbian and Straight Education Network (GLSEN)
121 West 27th Street, Suite 804
New York, NY 10001
Ph: 212.727.0135
glsen@glsen.org
http://www.glsen.org

GLSEN is a national organization with numerous local chapters and two regional field offices (one in San Francisco, the other in Atlanta). The organization focuses specifically on gay, lesbian, bisexual, and transgendered student and teacher concerns. They administer National LGB History Month each October, produce videos and publications, assist students with forming gay/straight alliances, and work with school adminstrators to improve conditions for LGBT students.

Harvard Gay and Lesbian School Issues Project, Harvard Graduate School of Education
600 Larsen Hall
Harvard Graduate School of Education
Cambridge, MA 02138
Ph: 617.491.5301
arthur_lipkin@harvard.edu

The Harvard Graduate School of Education produces and disseminates gay and lesbian curricula for schools (K-12) and materials for education of teachers, counselors, and administrators. Dr. Arthur Lipkin is the director of the project.

Lambda Legal Defense and Education Fund
120 Wall Street, Suite 1500
New York, NY 10005-3904
Ph: 212.809.8585
F: 212.809.0055
lambdalegal@lambdalegal.org
http://www.lambdalegal.org

Lambda is a national legal advocacy group serving gays, lesbians, and people living with HIV/AIDS. The organization has its national headquarters in New York, with regional offices in Los Angeles, Chicago, and Atlanta. They operate an intake telephone line to answer legal questions. See their webpage to find out during what hours and which office you should contact.

National Center for Lesbian Rights, Youth Project
870 Market Street, Suite 570
San Francisco, CA 94102
Ph: 415.392.6257
F: 415.392.8442
minter@nclrsf.org

The National Center for Lesbian Rights operates a Youth Project, "a national legal resource center for lesbian, bisexual, transgendered, transsexual, queer, and questioning youth." The Youth Project focuses on providing legal information and practical support regarding safety in schools, psychiatric abuse, homelessness, discrimination in foster care or juvenile justice, and medical/legal issues for transsexual youth. Their hotline is staffed Monday - Friday, 9am to 5pm (Pacific Standard Time): 1.800.528.NCLR.

National Education Association Gay and Lesbian Caucus (NEA/GLC)
NEA Headquarters
1201 16th Street, NW
Washington, DC 20036
http://www.nea.org/

Contacts:
Sharon Miken, Co-Chair
RevSha@AOL.com
Ph: 609.786.9311
F: 609.939.4724

Mike Chiumento, Co-Chair
sidbru@aol.com

The NEA-GLC, in order to eliminate institutional discrimination and homophobia, monitors and participates in the development of NEA policies and activities, provides resources and fosters better communication among educators, students, and communities. It represents public education employees who are concerned about sexual orientation issues and their impact on students and the school employees who work with them.

The members of the caucus work throughout the year to educate state education associations and the National Education Association (which represents 2.3 million education employees) on sexual orientation issues and to promote non-discriminatory policies and activities that support lesbian, gay, and bisexual persons.

National Latina/o Gay, Lesbian, Bisexual, and Transgender Organization (LLEGO)
1612 K Street, NW
Suite 500
Washington, DC 20006
Ph: 202.466.8240
F: 202.466.8530
aquillfbt@llego.org
www.llego.org

The National Latina/o Lesbian, Gay, Bisexual & Transgender Organization, is the national non-profit organization representing Lesbian, Gay, Bisexual and Transgender (LGBT) Latinas/os. LLEGÓ's purpose is the organization of LGBT Latina/o communities from grassroots to national levels through mobilization and networking in a culturally sensitive environment in order to overcome social, health and political barriers faced due to sexual orientation and ethnicity status. Though they do not focus specifically on youth issues, they offer a number of special services for Latina/o LGBT youth. They offer a Youth Institute and youth specific workshops at their annual national conference, operate a network of Latina/o queer youth and youth service providers, and are working on creating a resource guide for their target population.

NYAC - National Youth Advocacy Coalition
National Youth Advocacy Coalition
1638 R Street NW, Suite 300
Washington DC, 20009
Ph: 202.319.7596
F: 202.319.7365
nyac@nyacyouth.org
http://www.nyacyouth.org

The mission of National Youth Advocacy Coalition is to advocate for and with young people who are gay, lesbian, or transgender in an effort to end discrimination against these youth and to ensure their physical and emotional well being.

In 1998, Membership included representation from 33 states and the District of Columbia. NYAC's Participating Organizations range from large national professional organizations, to comprehensive service agencies, to small or newly formed GLBT youth support groups. One of NYAC's membership goals is to have members in every state of the U.S. by 2002. This will assure safe resources and support systems for GLBT youth throughout the country that are geographically accessible and strengthen the Coalition's voice at the federal level.

The NYAC webpage offers very comprehensive resource listings and a database of all of their member organizations.

Parents, Families and Friends of Lesbians and Gays (PFLAG)
1101 14th Street, NW
Suite 1030
Washington, DC 20005
Ph: 202.638.4200
F: 202.638.0243
http://www.pflag.org/

PFLAG is a national organization with numerous local chapters in every state in the country. The organization focuses on addressing the needs of parents of gay, lesbian, bisexual, and transgendered youth. They are very active in educating the public about glbt issues. Their webpage includes materials that can be helpful to educators.

The PERSON Project (Public Education Regarding Sexual Orientation Nationally)
586 62nd Street
Oakland, CA 94609-1245
Ph: 510.601.8883
jessea@uclink4.berkeley.edu
http://www.youth.org/loco/PERSONProject

The PERSON Project provides action alerts, an organizing manual and curriculum information. Their webpage has comprehensive and mostly up-to-date resource listings. For more information contact Jessea Greenman.

The Safe Schools Coalition
www.safeschoolscoalition.org

The Safe Schools Coalition originally focused on LGBT schools issues in Washington State, but they have since expanded their scope to the entire country. Their web site provides a number of amazing, comprehensive reports and studies on the experiences of gay, lesbian, bisexual, and transgendered youth in schools that can be useful to schools across the country.

GLBT Youth Helplines

LYRIC Youth Talkline for Lesbian, Gay, Bisexual, Transgendered, Queer and Questioning Youth: (San Francisco, CA) Helpline: 1-800-246-PRIDE; in the Northern California area 415-863-3636; TDD: 415-431-8812; Monday - Saturday 6:30 - 9 pm PST. Infoline (recorded information regarding youth resources and events, available 24 hours): 415-703-6163; lyricinfo@tlg.net

The Trevor Helpline: (Los Angeles, CA) 1-800-850-8078 - 24 hour crisis intervention by trained adults. This crisis hotline is not staffed by youth, unlike helplines listed above. The Trevor Helpline is a valuable resource for youth in crisis available 24-hours-a-day; however, youth often prefer to speak with other youth for support, and should be referred to the other helplines also.

Resources on LGBT Issues for Educators and Students

Books for Educators and Service Providers

Affording Equal Opportunity to Gay and Lesbian Students through Teaching and Counseling, National Education Association, Human and Civil Rights. (202-822-7710)

Gay and Lesbian Youth, Gilbert Herdt, Ph.D. (Ed.). Harrington Park Press, 1995.

Helping Gay and Lesbian Youth: New Policies, New Programs, New Practice, Theresa DeCrescenzo (Ed.). Harrington Park Press, 1994.

The Gay Teenager, The High School Journal, University of North Carolina Press, Volume 77, #s 1 & 2. (919-966-3561)

The Invention of Heterosexuality, Jonathan Ned Katz. Dutton, 1995.

Lesbian, Gay, Bisexual & Transgender People and Education, Harvard Educational Review, Summer 1996. (800-513-3584)

Lesbian and Gay Youth: Care and Counseling, Caitlin Ryan, Donna Futterman. Columbia University Press, 1998.

Making Health and Human Services Accessible and Effective for Gay and Lesbian Youth, The Massachusetts Governors Commission on Gay and Lesbian Youth, 1994. (617-727-3600 x312)

Making Schools Safe for Gay and Lesbian Youth: Breaking the Silence in Schools and Families, The Massachusetts Governors Commission on Gay and Lesbian Youth, 1993. (617-727-3600 x312)

Pride and Prejudice: Working With Lesbian, Gay and Bisexual Youth, Margaret Schneider (Ed.). Central Toronto Youth Services, 1997. (416-924-2100)

One Teacher in Ten: Gay and Lesbian Educators Tell Their Stories, Kevin Jennings. Alyson Publication, 1994.

Opening Doors: Making Substance Abuse and other Services More Accessible to Lesbian, Gay and Bisexual Youth, Bonnie Simpson. Central Toronto Youth Services, Lesbian, Gay, and Bisexual Youth Program, 1994. (416-924-2903)

Open Lives, Safe Schools: Addressing Gay and Lesbian Issues in Education, Donovan R. Walling. Phi Delta Kappa Educational Foundation, 1996.

Protecting Students from Harassment and Hate Crimes: A Guide for Schools, U.S. Department of Education Office for Civil Rights and the National Association of Attorneys General. Provides school administrators and personnel with a comprehensive step-by-step guide to preventing harassment and hate crimes based on race, sex, disability, national origin and sexual orientation. To order free copies call 800-USA-LEARN.

Safe Schools Anti-Violence Documentation Project Third Annual Report, Safe Schools Coalition of Washington, Northwest Coalition Against Malicious Harassment. (206-233-9136)

School's Out: the Impact of Gay and Lesbian Issues on America's Schools, Dan Woog. Alyson Publications, 1995. Interviews with students and teachers across the country focus on a range of groundbreaking programs and the inspiring individuals who run them.

Strengthening the Learning Enrivonment, A School Employee's Guide to Gay and Lesbian Issues, National Education Association Gay and Lesbian Caucus. (1-800-229-4200)

Transgender Care, Gianna Israel, D. Tarver. Temple University Press, 1997.

Understanding Homosexuality, Changing Schools: A Text for Teachers, Counselors, and Administrators, Arthur Lipkin. Westview Press, 1999.

Multimedia Resources

Before Stonewall: The Making of a Gay and Lesbian Community, 1984. (Cinema Guild, 1697 Broadway, Suite 506, New York, NY 10019-5904, 212-246-5522, www.cinemaguild.com)

Both of My Moms' Names are Judy: Children of Lesbians and Gays Speak Out, 1994. (Lesbian and Gay Parents Association, 6705 California Street, #1, San Francisco, CA 94121, 415-387-9886)

Gay Youth, Pam Walton, 1992. (Box 391035, Mountain View, CA 94039, or ETR Associates, PO Box 1830, Santa Cruz, CA 95061-1830, 800-321-4407)

I Just Want To Say, GLSEN, 1998. (Publications Department, 121 West 27th Street, Suite 804, New York, NY 10001, 212-727-0135, www.glsen.org)

Its Elementary: Talking About Gay Issues in School, Debra Chasnoff, Helen Cohen, 1996. (Women's Educational Media, 2180 Bryant Street, #203, San Francisco, CA 94110, 415-641-4616)

Love Makes A Family - Living In Lesbian and Gay Families: A Photograph-Text Exhibit, (Pam Brown and Peggy Gillespie, PO Box 1216, Amherst, MA 01004-1216)

Sexual Orientation: Reading Between the Labels, Northeast Wisconsin In-School Telecommunications, 1991. (NEWIST/ CESA #7, IS 1040, University of Wisconsin, Green Bay, WI 54311, 414-465-2599)

Shared Heart Initiatives, Portraits and Stories Celebrating Lesbian, Gay, And Bisexual Youth: A Photograph-Text Exhibit, (PO Box 562, Brookline, MA 02146, 617-536-7050 x27)

We Were Marked with a Big A, 1991. (United States Holocaust Memorial Museum, 100 Raoul Wallenberg Place. SW, Washington, DC 20024-2150, 202-479-9726)

What If I'm Gay?: A Search for Understanding, 1988 (Walt Disney Educational Media, Coronet/MTI Film, & Video, 420 Academy Drive, Northbrook, IL 60062)

Note: This list was compiled, in large part, from the National Youth Advocacy Coalition's resource listing (with their permission).

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Mike Cassavaugh quit school on his 18th birthday, just four months shy of graduating from a New England high school last year. By the time he left, he'd been beaten in the school bathroom, taunted in the hallway, and threatened with mutilation and death. Back then, he felt helpless, but now he's talking to lawyers about suing the school district that wouldn't—or couldn't—protect him from homophobic thugs.

Your legal duty to protect gay kids from harassment

BY REBECCA JONES

Many school board members and administrators around the country seem genuinely surprised at the growing number of students and former students who are threatening similar lawsuits. Officials in districts where suits have been filed often say they had no idea the plaintiffs felt they were under attack in their schools. Some suggest the students are exaggerating; others wonder how they can be expected to prevent harassment that occurs out of adult earshot, in the relative secrecy of school bathrooms, hallways, locker rooms, and playing fields.

But reasonable people—even those whose religious faith tells them that homosexuality is a sin—know that no student should have to endure the kind of abuse Mike describes. Recent court decisions and guidelines from the U.S. Department of Education's Office for Civil Rights (OCR) make it clear that school districts must take action to protect gay students—which leaves school boards grappling with decisions about the once-verboten topic of sexual orientation and its proper place in policy, curriculum, and the lives of children.

Many people believe sexual orientation is not an appropriate topic for schools and children. But the cat is out of the bag on that one. Kids today see openly gay people on TV shows, at the movies, in their neighborhoods, and sometimes in their own homes. This early exposure helps explain why the average "coming-out" age for gay males has dropped so precipitously in recent years—from age 20 in 1979 to age 13 in 1998, according to a Cornell University study.

"That one study shows why the gay civil rights movement is smack-dab in the middle of the nation's public schools," says David Buckel, a Lambda Legal Defense attorney and part of the legal team that won *Nabozny v. Podlesny*, recognized as the landmark case regarding gay students in public schools. The Cornell study also explains why public schools have become, whether school officials like it or not, part of the coming-out process for young gays and lesbians.

Jamie Nabozny's ordeal

It's hard to listen to the details of Jamie Nabozny's high school years in Ashland, Wis., without shuddering. Jamie was mock-raped in a classroom, urinated upon in a bathroom, and kicked so badly that he required surgery to stop the internal bleeding. When Jamie and his parents complained, a school official told them, according to the lawsuit, that Jamie "had to expect that kind of stuff" because he was homosexual.

Jamie eventually moved to Minneapolis, where he got a graduate equivalency degree, but in 1995 he sued the Ashland School District. A federal judge initially dismissed the case, but

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the 7th U.S. Circuit Court of Appeals ruled that Jamie deserved his day in court: "We are unable to garner any rational basis for permitting one student to assault another based on the victim's sexual orientation." A jury found school officials had violated the Fourteenth Amendment's Equal Protection Clause, and the school district had to pay $900,000 in damages.

That case opened the floodgates to lawsuits—and, perhaps more important, to *threats* of lawsuits—from other gay students who said their complaints about harassment had been ignored. School officials saw the potential for liability. "Before *Nabozny*, I could barely keep a school administrator on the phone," says Buckel. "Now they're interested."

As well they should be. This year's U.S. Supreme Court decision, *Aurelia Davis v. Monroe County Board of Education*, confirms that school districts may be held liable if school employees are deliberately indifferent to complaints of peer-to-peer sexual harassment. The victim in *Davis* was a girl and the harassers were boys, but school attorneys say the same standards would apply in same-sex harassment cases.

"The courts have backed school districts into a corner, so we have to be even-handed with kids," says Gregg Meyers, an attorney and a member of the Charleston, S.C., school board. "We can't pick which kids get protection from harassment and which kids don't."

Attorneys for the Davis family sought justice under Title IX—a strategy that is expected to become more common in gay-harassment cases, especially now that the OCR has clarified that Title IX prohibits sex discrimination against gays. Title IX, often thought of as the federal measure that brought girls' soccer teams to high schools, bars sex discrimination in public schools that receive federal funds.

Title IX does not prohibit sexual-orientation discrimination. "There is no federal law that squarely protects students simply on the basis of their sexual orientation," says Arthur L. Coleman, deputy assistant secretary for OCR. "There is no federal law that says, 'Thou shalt not discriminate on the basis of sexual orientation,' ... but sometimes Title IX applies to cases of sex discrimination in which sexual-orientation issues may be present."

When Title IX applies

The latest OCR anti-harassment publication—*Protecting Students from Harassment and Hate Crime: A Guide for Schools*, which was sent to every school district in the country earlier this year*—explains that Title IX prohibits harassing conduct of a sexual nature, such as targeting a lesbian student for physical sexual advances, if such conduct creates a sexually hostile environment. Title IX does not apply, according to OCR guidelines, to simple heckling about a person's sexual orientation. It does not prohibit, for instance, comments like, "Gay students are not welcome in this school."

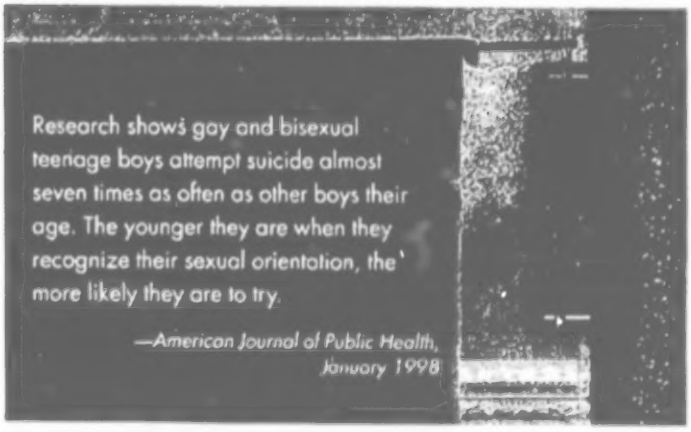
"Harassment based on sex is the trigger for Title IX," Coleman says. That makes it a significant weapon in the fight against anti-gay harassment because studies show teenage boys—the primary perpetrators of anti-gay harassment—tend to sexualize their anger and prejudice. Jamie Nabozny's mock rape, for instance, occurred when two boys wrestled him to a classroom floor—the teacher was out of the room—and pretended to rape him while 20 other students watched and laughed.

Potential Title IX claims of sex discrimination also stem from the way complaints of harassment are handled. Many administrators turn away from boys being harassed, Buckel says, "because of the age-old belief that what boys should do to handle harassment is to put up their fists and fight it out and, in so doing, learn how to become a real man"—something that would not be expected of, or suggested to, a girl.

Buckel also sees sex discrimination when school officials chastise victims of harassment for "not acting the way they should in accordance with their gender." Supreme Court precedent makes clear that "you can't tell a young woman that the way to stop harassment is to grow her hair out, put on makeup, and wear short skirts," he says. "That's sex discrimination."

Although Title IX and the Constitution's Equal Protection Clause are the most frequently invoked, they are not the only bases for lawsuits relating to sexual-orientation discrimination and harassment. Eleven states—California, Connecticut, Hawaii, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, Rhode Island, Vermont, and Wisconsin—have laws prohibiting discrimination on the basis of sexual orientation. (The specifics vary from state to state, so check with your school district's attorney.) Professional ethics codes in four states—Alaska, Connecticut, Florida, and Pennsylvania—also address issues of sexual orientation. "In these four states, administrators jeopardize their licenses, potentially, if they do not take sexual-orientation discrimination seriously," says Buckel.

All of these protections rely, in the end, on a stu-


Research shows gay and bisexual teenage boys attempt suicide almost seven times as often as other boys their age. The younger they are when they recognize their sexual orientation, the more likely they are to try.
—American Journal of Public Health, January 1998

*For additional free copies of the 157-page guide, contact OCR at (800) 421-3481.

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dent's willingness to complain about discrimination and harassment. But many gay students learn not to complain.

The risk in complaining

"Die Mike Die." When Mike Cassavaugh saw those words, he didn't finish reading the note. He just turned it over to his principal, who turned it over to the police. Mike still doesn't know who wrote the note, even though he says he was called to testify in a juvenile court proceeding. That's when the harassment got worse.

One attack in a school bathroom was particularly frightening. "I was pulled away from the urinal by two people," he says. "My eyes were covered, and I was kicked and hit, and then they threw me in a corner, crying. I didn't even look up. At that point, I was so frightened that they were going to hit me again that I rolled over and stayed there."

Later, he says, he went to the assistant principal and said, "I'm getting hurt. I need help. I don't feel safe here anymore." He says he was told that he needed to report exactly what had happened—and who had done it. "I couldn't," he says, "because after I reported something the first time, it got worse."

Mike's principal and superintendent declined to discuss his situation with *ASBJ*. But it's not hard to imagine their predicament: If a kid won't identify his harassers, what can a school official do?

One idea is to make school a less hostile place for gay students. In today's schools, "students think there's nothing more demeaning than to be called gay," says Buckel, noting that "anti-gay harassment is not just directed at gays and lesbians; it's the most common form of harassment." One survey shows that most boys in this country would rather be punched in the face than called gay.

"Gay" is, of course, the least offensive of the taunts. Mike LeVasseur, a senior at a Connecticut high school, says his 6-foot-4-inch, 260-pound frame has saved him from physical harassment, but he hears "the smart remarks, passing through the hallways ... queer, queen, fag, gay ..., etc. They get to be amusing after a while."

Not to everyone. Published reports indicate such taunts might have been a motivating factor in the Littleton, Colo., and Paducah, Ky., school shootings. Whether true or not, these accusations point to the terrible power of those words. Not all slurs leads to violence, gay activists like to say, but all violence begins with a slur.

Kate Frankfurt, director of advocacy at the Gay, Lesbian, and Straight Education Network (GLSEN) in New York City, says the word *faggot* should be banned—the same way offensive racial and ethnic slurs have been. "Right now," she says, "people hear anti-gay slurs and think, 'Oh, that's just what kids say.'"

GLSEN also advocates allowing gay students to form support groups, such as Gay-Straight Alliances (see sidebar on page 31), and including discussions of homosexuality, when appropriate, in the curriculum. Knowing the sexual orientation of Virginia Wolff and Walt Whitman is part of understanding their work, Frankfort says. "These are things we talk about in literature classes all the time," she says. "But if we assume Walt Whitman was writing about a woman, we're really misinterpreting a lot of what he was writing."

> Four out of five Seattle students who had experienced anti-gay harassment said they were actually heterosexual. Those kids were three times as likely as their nonharassed heterosexual peers to have missed at least one day of school in the previous month because of fear for their safety.
>
> —*Safe Schools Coalition of Washington, 1999*

Do discussions involving sexual orientation really belong in the classroom? Reasonable people disagree on this, and the Supreme Court established, in a case about student expression, that a school has the authority to decide whether a topic fulfills "a legitimate pedagogical objective" in the curriculum. "A biology teacher can't just announce she's a lesbian and spend 20 minutes talking about it if there's no relationship to the subject that's to be taught," Buckel says. On the other hand, issues involving sexual orientation should not be banned from classrooms "just because you're going to get 100 calls from parents," he says. "That's not a legitimate pedagogical objective."

Learning about specific gay people in history provides role models for gay students, Frankfurt says, and makes it less likely that straight students will objectify gays. "What happens in a lot of gay-bashing incidents," she says, "is that the perpetrators in those incidents stop seeing the person whose head they're bashing in as a real person. They just see him as a faggot."

Several districts have tried to create safe havens by setting up separate schools for gay students, such as the Harvey Milk School in New York City. Other districts, such as Portland, Ore., have banned military recruiters because their don't-ask-don't-tell policy discriminates against gay students. The Portland board's action reaped "angry letters from ex-Marines for two years, hate mail, hate phone calls," says board member Marc Abrams, whose position became an issue in his re-election campaign.

Abrams won re-election, but seats in other districts continue to be threatened by positions board members have taken, one way or the other, on sexual-orientation discrimination.

Anti-gay crusade

When a student board member suggested adding sexual orientation to the Grossmont (Calif.) Union High School District's nondiscrimination policy, board president Ted Crooks thought it sounded like a good idea. The Grossmont board meetings

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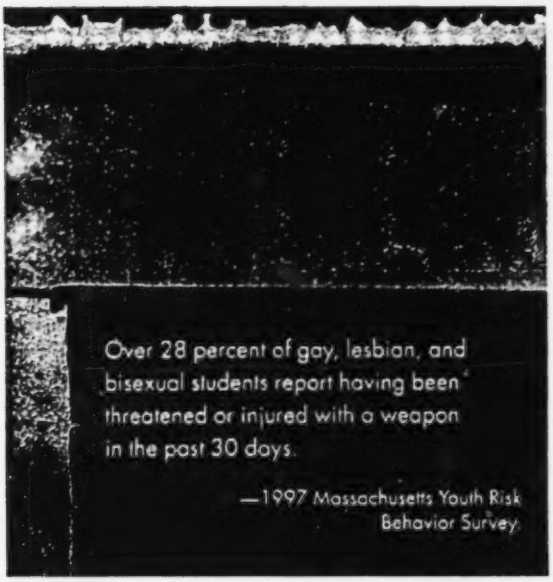
Over 28 percent of gay, lesbian, and bisexual students report having been threatened or injured with a weapon in the past 30 days.
—1997 Massachusetts Youth Risk Behavior Survey

normally attract between 100 and 200 people, so he was surprised when public hearings on the nondiscrimination policy drew "a thousand people or so, yelling and screaming at the top of their lungs about how this was going to lead to decay and corruption and so on." Some people charged the district was committing itself to hiring "a quota of pedophiles" and teaching homosexual techniques in its sex-ed classes, Crooks says, even though board members "must have said 50 times during the hearings that this will not affect instruction or curriculum."

The board eventually voted 3 to 2 in favor of adding sexual orientation to the nondiscrimination policy, and Crooks was targeted for recall. At press time, his opponents were gathering signatures to put the recall vote on the March ballot. (If you want to check on their doings, see *http://www.recall crooks.com*.)

Crooks says the uproar has benefited him politically. "I can't go to the grocery store without somebody coming up to me and telling me I did the right thing, and they just can't understand why these people are so upset," he says.

One of the most upset is California Assemblyman Steve Baldwin, who says he has watched "the homosexual agenda" take over other school districts in the state. California law already protects homosexuals from discrimination, he contends, so the Grossmont board's action must have another purpose. "We believe it's creating the legal framework for changes that may occur two, three, four, five years down the road"—such changes as hiring gay teachers, sponsoring gay dances, and promoting the gay lifestyle in the curriculum. "Schools are in jeopardy of being sued if they don't do that," he says, adding that heterosexual students and teachers have been harassed because of their views.

Baldwin agrees schools have a duty to protect gay students from harassment, but says schools have another duty as well: "When a school sees a child leaning toward homosexuality, the school should notify the parents and put them in touch with a counselor, if they want, who specializes in guiding people toward heterosexuality."

These arguments appeal to many God-fearing people, including the Rev. Louis P. Sheldon, founder and chairman of the Traditional Family Values Coalition based in Anaheim, Calif. Sheldon sees homosexuality as "a gender-identity conflict issue," a condition that, he believes, is usually temporary. Homosexuality, he says, is "a large revolving door. Many come in, many go out. Very few stay."

Sheldon says schools should "protect gay students, and anyone else, from harassment.... But I think you need to deal with [homosexuality] in high school like you do with prostitution or any other sexual behavior that is considered inappropriate." Schools need to state the truth, he says: that no gene has been discovered to cause homosexuality, that homosexuality isn't as common as gay-rights advocates claim, and that gay teens do not commit suicide because of harassment. The storied high suicide rate among gay teens "is a big fat lie," Sheldon says.

For proof, he and others point to a recent University of Minnesota study that shows gay teenagers kill themselves largely for the same reasons straight teens do—because they're having family problems, for instance, or are in trouble with the law. The study also lists "gender nonconformity" as a contributing factor, which Sheldon says proves how damaging the homosexual lifestyle is to teenagers. "They know the abnormal, inappropriate behavior of having anal intercourse or oral copulation with each other," Sheldon says. "They just can't live with the contradiction."

"That's a distortion of what I've written," says Dr. Gary Remafedi, the associate professor of pediatrics who authored the Minnesota study. "There is no scientific support for what they're saying, so they take existing scientific evidence and distort it for their own purposes." Remafedi defines gender nonconformity as relating to whether a gay boy is nurturing or domineering and cites 16 studies connecting the high suicide rate among gay teenage boys to the stigma and isolation of being gay.

So what's a board to do?

School attorneys agree that the courts have been clear: School boards must protect and educate *all* students, regardless of their sexual orientation. "If a kid with a gender issue is being harassed and the school doesn't mobilize, the institution fails," says Chicago attorney Anthony Scariano, who represents 200 Illinois school districts and was scheduled to lead a session on sexual orientation legal issues at a fall meeting of the National School Boards Association's (NSBA's) Council of School Attorneys.

Board member/attorney Meyers agrees: "I know that many people are just driven to distraction by the question of sexual orientation, but I think it is not any part of my function as a

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school board member to worry about whether a child is heterosexual or homosexual because sexual performance is not part of the curriculum. ... Until sexual performance becomes part of the curriculum, then it seems to me that all kids need to be safe at school."

Attorneys recommend starting with a nondiscrimination policy. To avoid the community outrage that might accompany discussions of sexual-orientation discrimination, some suggest writing a simple policy—sometimes called a "stealth policy"—that forbids discrimination of any kind, without mentioning specific types of discrimination.

But most of the attorneys consulted for this article recommend specifying sexual-orientation discrimination along with other types of discrimination, in the policy. Such wording "puts people on notice that sexual-orientation discrimination will not be tolerated," says NSBA staff attorney Naomi Gittins. In the event of a lawsuit, she says, "it provides proof that the district is making a serious attempt to respond to problems of discrimination and harassment."

The policy should be supported by procedural guidelines and staff training. "A district has to have a mechanism to intervene, investigate, and make decisions based on its investigation," says Meyers.

Those who've written such policies, and provided the staff training and procedures to enforce them, know the firestorm they sometimes bring. But better a firestorm than another beating in another school bathroom.

Rebecca Jones (*rjones@nsba.org*) is a senior editor of *American School Board Journal*.

Support groups offer respite — and controversy

Almost everywhere you turn, it seems, a kid is starting (or asking to start) a group for gay students. In the summer of 1998 the Gay Lesbian Straight Education Network (GLSEN)—the national organization most closely associated with the grass roots Gay-Straight Alliances (GSAs)—knew of 99 such groups in U.S. high schools. Within a year, more than 600 GSAs had registered with GLSEN. And there's no telling how many groups have sprouted up without registering with GLSEN.

Gay students say these groups provide respite and friendship in the often-hostile hallways of their high schools. "The most important thing a GSA can ever do is make just one person feel less like an outcast and more accepted," says 17-year-old Adam Free in Iowa City, Iowa.

But these support groups offend many people who fear they encourage homosexuality, the same way school bands encourage musical talent and French clubs encourage interest in other countries. "You can't have advocacy and promotion of a lifestyle that millions of Americans believe is extremely high-risk and inappropriate," says the Rev. Louis P. Sheldon, chairman and founder of the Traditional Family Values Coalition based in Anaheim, Calif.

Ironically, gay-student groups are finding legal shelter in the Equal Access Act, the 1984 federal law aimed at allowing Bible clubs in public schools. Under this law, schools that allow *any* noncurriculum-related, student-initiated group to meet on a secondary school's premises must allow *all* such groups to meet at school. So, if students start a Bible Club—or any other noncurriculum club—that meets at a school, attorneys say a GSA must be allowed to meet there, too.

The Equal Access Act has forced some schools into accepting groups that school officials didn't want. A Manchester, N.H., principal, for instance, told students they would need permission from the Manchester school board before starting a GSA last spring. After the school board turned down the request, the students filed a federal civil rights lawsuit, invoking the Equal Access Act and charging that no other student organization had been required to jump through so many hoops. The Manchester school board approved the GSA in July, and the lawsuit was dropped.

When placed in a similar position in 1996, the Salt Lake City school board decided to comply with the Equal Access Act by banning 46 noncurriculum-related groups, including Students Against Drunk Driving and the Latino Student Alliance, rather than allow one GSA to meet at East High School. Other, curriculum-related student groups were allowed to continue meeting at the school.

Which raised the question: Who decides which club is related to the curriculum?

That question was argued out in court last spring. American Civil Liberties Union (ACLU) and gay-activist attorneys asserted that some of the so-called curriculum-related clubs, such as the Future Business Leaders of America and the Future Homemakers of America, were more social than curricular.

Steven Clark, staff attorney at the ACLU of Utah, says he has no objection to a social club in a high school. "It's a terrific opportunity for students," he says. "It's a wonderful thing, and we're not saying it should be eliminated." But if the district recognizes some social/noncurricular clubs, he argues, it must recognize the gay students' club as well.

At press time, attorneys were still waiting for a ruling in the case. In the meantime, a community group has been renting space at East High School, under Utah's Civic Center Act, so gay kids would have a place to meet. It seemed important to continue those meetings, especially after the then-president of East High School's banned Gay-Straight Student Alliance hanged himself in September 1997, just nine days after the start of another school year. —*RJ*

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